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Harvard College Library



FROM THE

BRIGHT LEGACY.

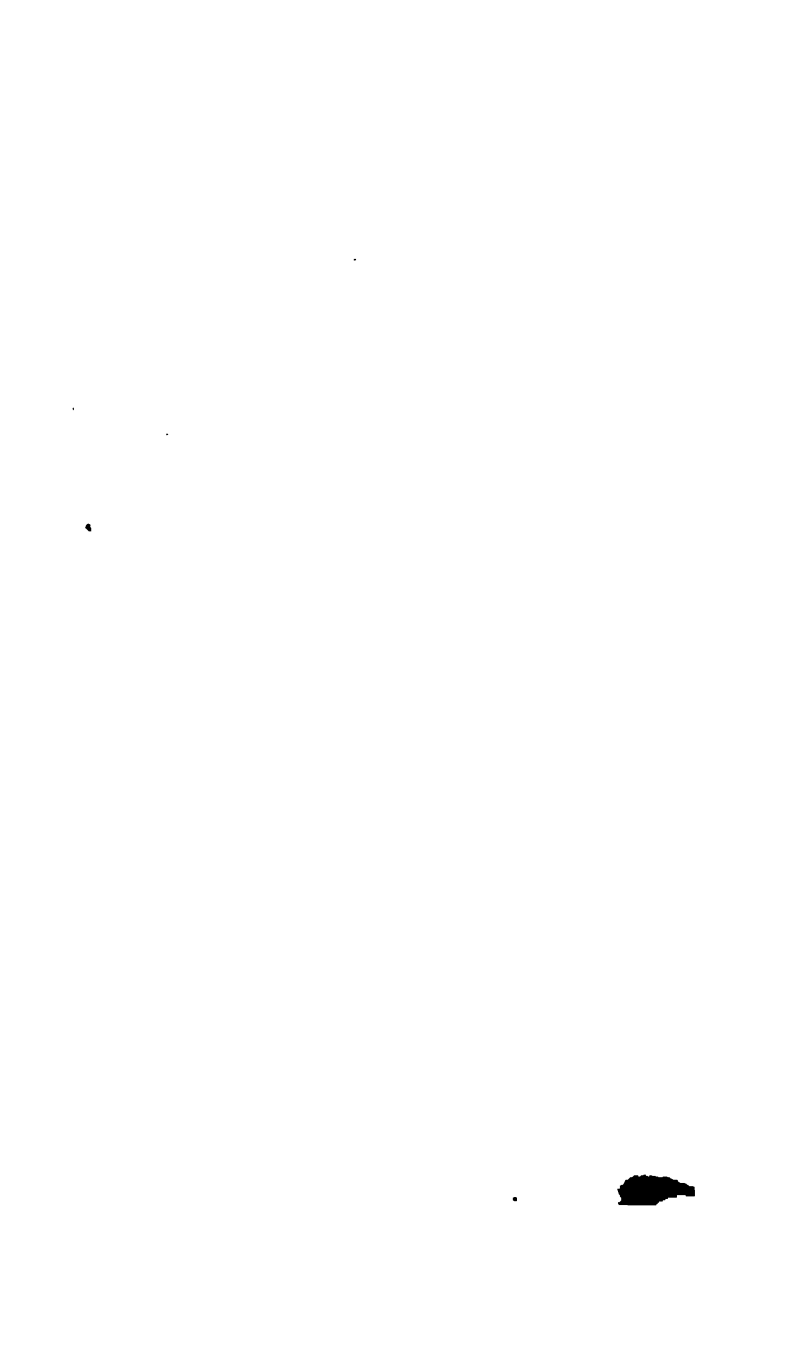
One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT

of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

HENRY BRIGHT, JR.,

who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.





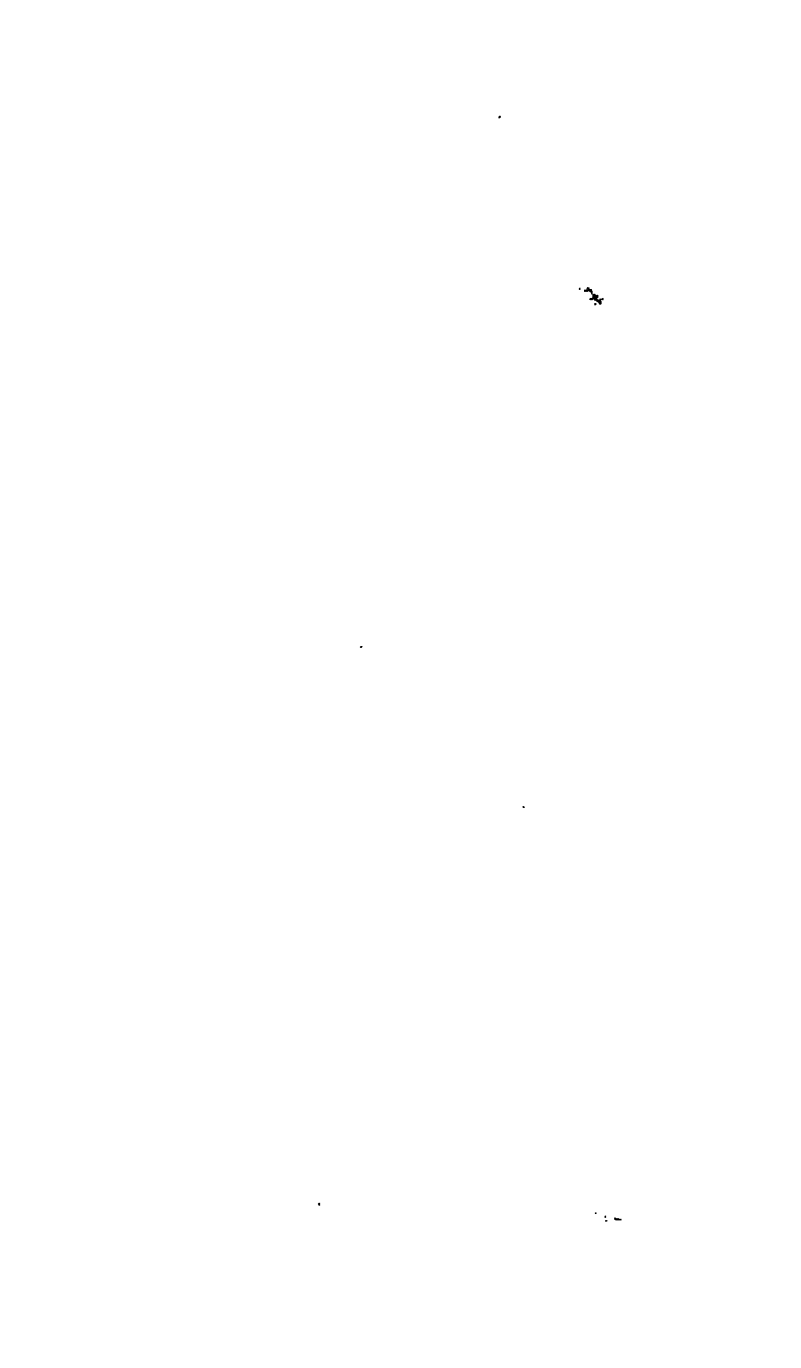
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THE
PRINCIPLES *Book*
William & Stanbury
THE GOVERNMENT
OF THE
UNITED STATES.

Adapted to the use of Schools,

BY
PARDON DAVIS.

That is most proper for boys to learn which will be most useful
for them when they become men.

PHILADELPHIA:

H. C. CAREY AND I. LEA, CORNER OF CHESTNUT AND FOURTH
STREET, AND J. CRISSY, 177 CHESTNUT STREET.

1823.





Eastern District of Pennsylvania, to wit:

BE IT REMEMBERED, that on the twenty-fifth day of September, in the forty-seventh year of the Independence of the United States of America, A. D. 1822, Pardon Davis, of the said district, hath deposited in this office the title of a Book, the right whereof he claims as author in the words following, to wit:

“The Principles of the Government of the United States. Adapted to the use of Schools, by Pardon Davis.

“That is most proper for boys to learn which will be most useful for them when they become men.”

In conformity to the act of Congress of the United States, intituled, “An act for the encouragement of learning, by securing the copies of Maps, Charts and Books to the authors and proprietors of such copies, during the times therein mentioned:” and also to the act, entitled, “An act supplementary to an act, entitled “An act for the encouragement of learning, by securing the copies of Maps, Charts and Books to the authors and proprietors of such copies during the times therein mentioned,” and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

D. CALDWELL,

Clerk of the Eastern District of Pennsylvania.

J. CRISSY AND G. GOODMAN, PRINTERS.

ADVERTISEMENT.

THE increasing popularity of the subject of this work has induced the proprietor thus to divide the whole work into three distinct parts, corresponding with the *northern*, *middle* and *southern* sections of the United States, for the particular use of the schools of each section respectively. Each part, containing the principles of the general government, and of each of the state governments of its own particular section, is therefore complete in itself.

To the teachers in the middle section of the United States who wish their pupils to become *men* and *citizens*, and to those parents whose patriotism and philanthropy induce an effort to secure their freedom and independence, this second part is, with submission, dedicated.

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PREFACE.

If the merits of a publication rest on the importance of the subject illustrated by it, then must "The principles of the government of the United States," claim an elevated station in the ranks of practical science; for the existence of this nation as an independent republic, depends, in a great measure, on the general diffusion of the information it contains.

The most effectual method of preserving our rights unimpaired, is to make them generally known and universally realized; and the best mode of effecting this desideratum is to incorporate into the education of youth official documents containing their fundamental basis.

It is a lamentable fact, that until the appearance of this work, nothing has been introduced into our common schools sufficiently convenient from its size and price, and at the same time sufficiently comprehensive to embrace an adequate view of the general outlines and provisions of our government, to enable our youth to possess themselves of the necessary information on the subject: for which reason they grow up ignorant of their rights and privileges, and continue so until the time of life which calls them forth to action.

Although the work is particularly intended for the use of schools and the season of youth, yet it is presumed there are some citizens of riper years, who, not having been favoured with any thing similar during the course of their education, will find use for it as a work of refer

ence in many instances that may occur, in which they have heretofore depended on information collected by accident from sources quite uncertain and unsatisfactory.

With the hope of contributing something to the national advantage by commencing at the foundation of civil liberty and bringing the constitutions (*the magna charta of our freedom*) into every man's hand, the work is submitted to the public, with an invitation to all persons friendly to its objects to suggest improvements in future editions in conformity to any alterations or amendments that may occur. By persons in the least acquainted with the difficulty of collecting documents from a distance, any defect arising from it will be viewed with candour and forbearance.

PARDON DAVIS.

No. 13 Fromberger's Court, Philad.

May, 1823.

DIRECTIONS

FOR

INSTRUCTING FROM THIS WORK.

As a class book for reading, this work will be found particularly convenient, from its being divided into short sections, each of which contains the *whole* subject with which it is connected. This circumstance will enable the teacher to ask whatever questions he may consider necessary or make any extempore remarks for illustration, at the end of each sentence, without breaking that connexion which necessarily occurs in other works, and which obliges him to suspend his interrogatories until the end of the lesson, when a majority of the impressions made by the reading is obliterated.

For a more advanced stage in the progress, let a class be formed consisting of scholars whose judgment is somewhat ripened, and let each be furnished with his waste paper and a blank book.—Commence with the questions on the constitution of the United States, with which every man should be perfectly familiar—assign the student five, ten, fifteen or twenty questions according to his age and judgment and the nature of the subjects embraced by them; which at his next lesson he is to answer in his own language on his waste paper. The references to the article and section will inform him where he is to obtain his ideas, and this will make the

research his own, and answering them in his own language will insensibly accustom him to *express* the ideas received by his reading.

When the pupil has formed his own best answers to the questions, he should submit them to the tutor,—who should examine as well the *language* as the matter of the answers, which should be *full*, but at the same time as laconic as possible; and having brought them to perfection, should order them to be recorded in his book.

Proceed thus through the constitution of the United States—the native state of the pupil, and as much of the whole as time and other circumstances will permit.

DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

The Unanimous Declaration of the Thirteen United States of America.

WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—that all men are created equal, that they are endowed by their Creator with certain unalienable rights: that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off

such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain, is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by

refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new officers, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general congress assembled, ap-

pealing to the Supreme Judge of the world, for the rec-
titude of our intentions, do, in the name and by the au-
thority of the good people of these colonies, solemnly
publish and declare, that these united colonies are, and
of right ought to be, free and independent states; that
they are absolved from all allegiance to the British crown,
and that all political connexion between them and the
state of Great Britain, is, and ought to be, totally dis-
solved; and that, as free and independent states, they
have full power to levy war, conclude peace, contract
alliances, establish commerce, and to do all other acts
and things which independent states may of right do.
And for the support of this declaration, with a firm reli-
ance on the protection of Divine Providence, we mutu-
ally pledge to each other our lives, our fortunes, and our
sacred honour.

JOHN HANCOCK.

New-Hampshire.

Josiah Bartlett,
William Whipple,
Matthew Thornton.

Massachusetts-Bay.

Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

Rhode-Island, &c.

Stephen Hopkins,
William Ellery.

Connecticut.

Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

New-York.

William Floyd,
Philip Livingston,
Francis Lewis,

Lewis Morris.

New-Jersey.

Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

Pennsylvania.

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

Delaware.

Cesar Rodney,
George Read,
Thomas M'Kean.

Maryland.

Samuel Chase,
William Paca,
Thomas Stone,
Charles Carroll,
of Carrollton.

Virginia.

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jr.
Francis Lightfoot Lee,
Carter Braxton.

North-Carolina.

William Hooper,
Joseph Hewes,
John Penn.

South-Carolina.

Edward Rutledge,
Thomas Heyward, jr.
Thomas Lynch, jr.
Arthur Middleton.

Georgia.

Burton Gwinnett,
Lyman Hall,
George Walton.

ARTICLES OF CONFEDERATION.

IN CONGRESS, JULY 8, 1778.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION.

Between the states of *New-Hampshire, Massachusetts Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South Carolina, and Georgia.*

ARTICLE I.

The style of this confederacy shall be, "*The United States of America.*"

ARTICLE II.

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in congress assembled.

ARTICLE III.

The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV.

SEC. 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of the states, *paupers, vagabonds, and fugitives from justice*

cepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also, that no imposition, duties or restriction, shall be laid by any state on the property of the United States, or either of them.

SEC. 2. If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice and be found in any of the United States, he shall, upon the demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

SEC. 3. Full faith and credit shall be given in each of these states, to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V.

SEC. 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

SEC. 2. No state shall be represented in congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for *his benefit*, receives any salary, fees, or emolument, of any kind.

SEC. 3. Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

SEC. 4. In determining questions in the United States in congress assembled, each state shall have one vote.

SEC. 5. Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI.

SEC. 1. No state, without the consent of the United States in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

SEC. 2. No two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

SEC. 3. No state shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

SEC. 4. No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress

assembled, for the defence of such state, or its trade: nor shall any body of forces be kept up, by any state, in time of peace, except such number only as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

SEC. 5. No state shall engage in any war without the consent of the United States in congress assembled, unless each state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

ARTICLE VII.

When land forces are raised by any state for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made *the appointment*.

ARTICLE VIII.

All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied, by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in congress assembled.

ARTICLE IX.

SEC. 1. The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed a judge of any of the said courts.

SEC. 2. The United States in congress assembled shall

also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they can not agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present, shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like *manner be final* and decisive; the judgment or sentence

and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward." Provided also, that no state shall be deprived of territory for the benefit of the United States.

SEC. 3. All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdiction, as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between the different states.

SEC. 4. The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated; establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service

of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

SEC. 5. The United States in congress assembled, shall have authority to appoint a committee, to sit in the recess of congress, to be denominated, "*A Committee of the States*," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, clothe, arm, and equip them, in a soldierlike manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled; but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number ~~can not be safely spared~~ out of the same, in which case

they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers, and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

SEC. 6. The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sum and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

SEC. 7. The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question, shall be entered on the journals, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE 10.

The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of

the powers of congress as the United States, in congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the congress of the United States assembled, is requisite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII.

All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every state shall abide by the determination of the United States in congress assembled, in all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislature of every state.

AND WHEREAS it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, KNOW YE, that we the undersigned

delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, in all questions which by the said confederation are submitted to them: and that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In witness whereof, we have hereunto set our hands in congress.

Done at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the third year of the Independence of America.

New-Hampshire.

Josiah Bartlett,
John Wentworth, jun.

Massachusetts-Bay.

John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Dana,
James Lovell,
Samuel Holton.

Rhode-Island, &c.

William Ellery,
Henry Marchant,
John Collins.

Connecticut.

Roger Sherman,
Samuel Huntington,
Oliver Wolcott,
Titus Hosmer,
Andrew Adams.

New-York.

Jas. Duane,
Fra. Lewis,
Wm. Duer,
Gouv. Morris.

New-Jersey.

Jno. Witherspoon,
Nath. Scudder.

Pennsylvania.

Robt. Morris,
Daniel Roberdeau,
Jona. Bayard Smith,
William Clingan,
Joseph Reed.

Delaware.

Thos. M'Kean,
John Dickinson,
Nicholas Van Dyke.

Maryland.

John Hanson,

Daniel Carroll.

Virginia.

Richard Henry Lee,

John Banister,

Thomas Adams,

Jno. Harvie,

Francis Lightfoot Lee.

North-Carolina.

John Penn,

Cons. Harnett,

Jno. Williams.

South-Carolina.

Henry Laurens,

William Henry Drayton,

Jno. Mathews,

Richard Hutson,

Thos. Heyward, jun.

Georgia.

Jno. Walton,

Edwd. Telfair,

Edwd. Langworthy.

GENERAL CONFEDERATION.

What is the style of that general confederation by which the states are connected? ART. I.

Has each state its own sovereignty and independence? II.

What is the particular object of the confederation of the states? III.

Are the inhabitants of each state entitled to citizenship in another state? IV. SEC. 1.

Can the commerce of one state be restricted with respect to another? IV. 1.

May a felon in one state receive protection in another? IV. 2.

Is each state entitled to representation in congress? V. 1.

What are the limitations of the representation of each state? V. 2.

How are the delegates from the several states maintained? V. 3.

In determining questions in congress has each state as many voices as delegates? V. 4.

What are the privileges of the delegates? V. 5.

Can any single state make a treaty with a foreign power? VI. 1.

Can an officer of the United States, or of any state, receive a present, &c. from a foreign power? VI. 1.

Can any two or more states unite in any league or confederation? VI. 2.

Can any state maintain a navy or an army for its own use? VI. 4.

Must each state support preparations for defence? VI. 4.

Can any single state engage in war, &c.? VI. 5.

Is each state entitled to its own military officers? VII.

How are the charges of war, &c. defrayed? VIII.

According to what estimation shall each state contribute? VIII.

Who has the sole power of determining peace or war, &c. IX. 1.

Who has the power of determining the legality of captures? IX. 1.
In a contest between two or more states what is the last resort? IX. 2.

What are the general powers of congress? IX. 4.

During the recess of congress how may its business be transacted? IX. 5.

What constitutes a quorum for transacting business? IX. 6.

Might Canada or any other colony be admitted into this confederacy? XI.

How long is this confederation to continue? and how may it be amended? XIII.

CONSTITUTION OF THE UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.—SECTION 1.

1. All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION 2.

1. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be appor-

tioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New-Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode-Island* and *Providence Plantations* one; *Connecticut* five; *New-York* six; *New-Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North-Carolina* five; *South-Carolina* five; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be *chosen every second year*; and if vacancies happen, by

resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, ~~and~~ without the consent of the other, adjourn for more than ~~three~~ days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a *member of either house* during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The congress shall have power—

1. To lay and collect taxes, duties, imposts, and ex-

cises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as

may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress:

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings:—and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to

or from one state, be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION 1.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the *vice-president*, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the *United States*.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend, the constitution of the United States."

SECTION 2.

1. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and

consent of the senate, to make treaties, provided two thirds of the senators present concur: and he shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—SECTION 1.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and es-

tablish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority: to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION 3.

1. Treasons against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two

witnesses to the same overt act, or on confession in open court.

2. The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records and proceedings, shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labour in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour; but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION 3.

1. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

2. The congress shall have power to dispose of, and make all needful rules and regulations respecting the

territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4.

1. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive, (when the legislature can not be convened,) against domestic violence.

ARTICLE V.

1. The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article: and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and

the judges, in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President and deputy from Virginia.

New-Hampshire.

John Langdon,
Nicholas Gilman.

Massachusetts.

Nathaniel Gorham,
Rufus King.

Connecticut.

William Samuel Johnson,
Roger Sherman.

New-York.

Alexander Hamilton.

New-Jersey.

William Livingston,
David Brearly,

William Patterson,
Jonathan Dayton,

Pennsylvania.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,

Thomas Fitzsimons,
Jared Ingersoll,

James Wilson,
Gouverneur Morris,

Delaware.

George Read,
Gunning Bedford, jun.

John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland.

James M^cHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

Virginia.

John Blair,
James Madison, jun.
North-Carolina.

William Blount,

Attest,

Richard Dobbs Spaight,
Hugh Williamson.

South-Carolina.

John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.

William Few,
Abraham Baldwin.

WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath

or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

1. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed: and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of ~~representatives shall choose immediately, by ballot, the~~

president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

UNITED STATES.

Wherein are vested the legislative powers of the United States?

I. 1.

Of how many branches does the congress consist? I. 1.

Of whom does the house of representatives consist? I. 2.

What constitutes a citizen an elector for representatives? I. 2.

What are the qualifications requisite for a member of the house?

I. 2.

How are direct taxes and the number of representatives apportioned? I. 2.

How are vacancies in representation filled when they occur? I. 2.

Of whom does the senate consist? I. 3.

How are the senators elected? I. 3.

What are the qualifications requisite for a senator? I. 3.

Who is the president of the senate? I. 3.

By whom are impeachments tried? I. 3.

In cases of impeachments what constitutes conviction? I. 3.

- How far may judgment in impeachment extend? I. 3.
- By whom are the places, time and manner of holding elections determined? I. 4.
- On what time and how often must the congress assemble? I. 4.
- Who are the judges of the returns of the elections? I. 5.
- What number constitutes a quorum to do business? I. 5.
- How are the members punished for absence? I. 5.
- How may members be punished for disorderly behaviour? I. 5.
- Must each house keep a journal of its proceedings? I. 5.
- Must that journal be published? I. 5.
- Must the names of the members acting upon a question be registered? I. 5.
- May either house adjourn to any other time and place? I. 5.
- How are the members of the congress compensated for their services? I. 6.
- What privileges are peculiar to the members? I. 6.
- Can a member of congress hold any office under the United States? I. 6.
- Where must bills for raising revenue originate? I. 7.
- What is necessary for passing a bill into a law? I. 7.
- What are some of the leading powers of congress? I. 8.
- Wherein is vested the executive power of the United States? II. 1.
- In what manner is the president elected? and for how long? XIV. (see amendment)
- What are the qualifications requisite for the president? II. 1.
- In the absence of the president who is to perform his duty? II. 1.
- How is the vice-president elected and for how long? XIV. (see amendment)
- What is the salary of the president of the United States? II. 1.
- Can it be increased or diminished during the time for which he was elected? II. 1.
- What is his oath of office? II. 1.
- What are some of the principal powers of the president? II. 2.
- How may the president or other officers be displaced in case of misdemeanour? II. 4.
- In what are vested the judicial powers of the United States? III. 1.
- How far does the judicial power extend? III. 2.
- How and where must trials for crime be conducted? III. 2.
- What is treason against the United States? and how is it punished? III. 3.
- Can a criminal in one state evade trial by fleeing to another? IV. 2.
- Can a slave of one state free himself by going to another? IV. 2.
- What is necessary to the admission of new states? IV. 3.

How is a single state defended from invasion or insult? IV. 4.
 How can amendments to the constitution of the United States be made? V.
 What is the supreme law of the United States? VI. 2.
 Is religion requisite for the officers of the United States? VI. 3.

CONSTITUTION OF NEW YORK,

As adopted November, 1821.

WE, the people of the State of New York, acknowledging with gratitude the grace and beneficence of God, in permitting us to make choice of our form of government, do establish this constitution.

ARTICLE I.

SEC. 1. The legislative power of this state, shall be vested in a senate and an assembly.

SEC. 2. The senate shall consist of thirty-two members. The senators shall be chosen for four years, and shall be freeholders. The assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

SEC. 3. A majority of each house, shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the qualifications of its own members. Each house shall choose its own officers; and the senate shall choose a temporary president, when the lieutenant-governor shall not attend as president, or shall act as governor.

SEC. 4. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

SEC. 5. The state shall be divided into eight districts,

to be called senate districts, each of which shall choose four senators.

The first district, shall consist of the counties of Suffolk, Queens, Kings, Richmond, and New York.

The second district, shall consist of the counties of Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan.

The third district, shall consist of the counties of Greene, Columbia, Albany, Rensselaer, Schoharie, and Schenectady.

The fourth district, shall consist of the counties of Saratoga, Montgomery, Hamilton, Washington, Warren, Clinton, Essex, Franklin, and St. Lawrence.

The fifth district, shall consist of the counties of Herkimer, Oneida, Madison, Oswego, Lewis, and Jefferson.

The sixth district, shall consist of the counties of Delaware, Otsego, Chenango, Broome, Cortland, Tompkins, and Tioga.

The seventh district, shall consist of the counties of Onondaga, Cayuga, Seneca, and Ontario.

The eighth district, shall consist of the counties of Steuben, Livingston, Monroe, Genesee, Niagara, Erie, Allegany, Cattaraugus and Chautauque.

And as soon as the senate shall meet, after the first election to be held in pursuance of this constitution, they shall cause the senators to be divided by lot, into four classes, of eight in each, so that every district shall have one senator of each class; the classes to be numbered, one, two, three, and four. And the seats of the first class shall be vacated at the end of the first year; of the second class at the end of the second year; of the third class at the end of the third year; of the fourth class at the end of the fourth year; in order that one senator be annually elected in each senate district.

SEC. 6. An enumeration of the inhabitants of the state, shall be taken, under the direction of the legislature, in the year one thousand eight hundred and twenty-five, and at the end of every ten years thereafter; and

the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, paupers, and persons of colour not taxed; and shall remain unaltered, until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senate district.

SEC. 7. The members of the assembly, shall be chosen by counties, and shall be apportioned among the several counties of the state, as nearly as may be, according to the numbers of their respective inhabitants, excluding aliens, paupers, and persons of colour not taxed. An apportionment of members of assembly, shall be made by the legislature, at its first session after the return of every enumeration; and when made, shall remain unaltered until another enumeration shall have been taken. But an apportionment of members of the assembly, shall be made by the present legislature, according to the last enumeration, taken under the authority of the United States, as nearly as may be. Every county heretofore established, and separately organized, shall always be entitled to one member of the assembly; and no new county shall hereafter be erected, unless its population shall entitle it to a member.

SEC. 8. Any bill may originate in either house of the legislature; and all bills passed by one house, may be amended by the other.

SEC. 9. The members of the legislature, shall receive for their services, a compensation to be ascertained by law, and paid out of the public treasury; but no increase of the compensation shall take effect, during the year in which it shall have been made. And no law shall be passed increasing the compensation of the members of the legislature, beyond the sum of three dollars a day.

SEC. 10. No member of the legislature, shall receive any civil appointment from the governor and senate, or

from the legislature, during the term for which he shall have been elected.

SEC. 11. No person, being a member of congress or holding any judicial or military office under the United States, shall hold a seat in the legislature. And if any person shall, while a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the government of the United States; his acceptance thereof, shall vacate his seat.

SEC. 12. Every bill which shall have passed the senate and assembly shall, before it become a law, be presented to the governor: If he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members present, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

SEC. 13. All officers holding their offices during good behaviour, may be removed by joint resolution of the two houses of the legislature, if two-thirds of all the members elected to the assembly, and a majority of all the members elected to the senate concur therein.

SEC. 14. The political year shall begin on the first day of January; and the legislature shall every year assemble on the first Tuesday of January, unless a different day shall be appointed by law.

SEC. 15. The next election for governor, lieutenant-governor, senators, and members of assembly, shall commence on the first Monday of November one thousand eight hundred and twenty-two; and all subsequent elections shall be held at such time, in the month of October, or November, as the legislature shall by law provide.

SEC. 16. The governor, lieutenant-governor, senators, and members of assembly, first elected under this constitution, shall enter on the duties of their respective offices, on the first day of January, one thousand eight hundred and twenty-three; and the governor, lieutenant-governor, senators and members of assembly now in office, shall continue to hold the same until the first day January, one thousand eight hundred and twenty-three and no longer.

ARTICLE II.

SEC. 1. Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state one year preceding any election, and for the last six months a resident of the town or county where he may offer his vote; and shall have within the year next preceding the election paid a tax to the state or county assessed upon his real or personal property; or shall by law be exempted from taxation; or being armed and equipped according to law, shall have performed within that year military duty in the militia of this state; or who shall be exempted from performing military duty in consequence of being a fireman in any city, town, or village, in this state: And also every male citizen of the age of twenty-one years, who shall have been for three years next preceding such election, an inhabitant of this state; and for the last year a resident in the town or county, where he may offer his vote; and shall have been within the last year, assessed to labour upon the public highways, and shall have performed the labour or paid an equivalent therefor according to law; shall be entitled to vote in the town or ward where he actually resides, and not

elsewhere, for all officers that now are, or hereafter may be elective by the people: But no man of colour, unless he shall have been for three years a citizen of this state, and for one year next preceding any election shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon; and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of colour shall be subject to direct taxation, unless he shall be seized and possessed of such real estate as aforesaid.

SEC. 2. Laws may be passed excluding from the right of suffrage, persons who may have been, or may be convicted of infamous crimes.

SEC. 3. Laws shall be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 4. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

ARTICLE III.

SEC. 1. The executive power shall be vested in a governor. He shall hold his office for two years; and a lieutenant-governor shall be chosen at the same time, and for the same term.

SEC. 2. No person except a native citizen of the United States, shall be eligible to the office of governor; nor shall any person be eligible to that office who shall not be a freeholder, and shall not have attained the age of thirty years, and have been five years a resident within this state; unless he shall have been absent during that time on public business of the United States or of this state.

SEC. 3. The governor and lieutenant governor shall be elected at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant-governor, shall be elected; but in case two or more shall

have an equal and the highest number of votes for governor, or for lieutenant-governor, the two houses of the legislature, shall by joint ballot, choose one of the said persons so having an equal and the highest number of votes for governor, or lieutenant-governor.

SEC. 4. The governor shall be general and commander in chief of all the militia, and admiral of the navy of the state. He shall have power to convene the legislature, (or the senate only,) on extraordinary occasions. He shall communicate by message to the legislature at every session, the condition of the state; and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 5. The governor shall have power to grant reprieves and pardons after conviction for all offences, except treason and cases of impeachment. Upon convictions for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting; when the legislature shall either pardon or direct the execution of the criminal or grant a farther reprieve.

SEC. 6. In case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant-governor, for the residue of the term, or until the governor, absent or impeached, shall return, or be acquitted. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force thereof, he shall still continue commander in chief of all the military force of the state.

SEC. 7. The lieutenant-governor shall be president of the senate, but shall have only a casting vote therein.

If during a vacancy of the office of governor, the lieutenant-governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall act as governor, until the vacancy shall be filled, or the disability shall cease.

ARTICLE IV.

SEC. 1. Militia officers shall be chosen or appointed, as follows: Captains, subalterns, and non-commissioned officers, shall be chosen by the written votes of the members of their respective companies. Field officers of regiments, and separate battalions, by the written votes of the commissioned officers of the respective regiments, and separate battalions. Brigadier generals, by the field officers of their respective brigades. Major generals, brigadier generals, and commanding officers of regiments or separate battalions, shall appoint the staff officers of their respective divisions, brigades, regiments, or separate battalions.

SEC. 2. The governor shall nominate, and with the consent of the senate, appoint all major generals, brigade inspectors, and chiefs of the staff departments, except the adjutant general, and commissary general. The adjutant general shall be appointed by the governor.

SEC. 3. The legislature, shall by law, direct the time and manner of electing militia officers, and of certifying their elections to the governor.

SEC. 4. The commissioned officers of the militia shall be commissioned by the governor; and no commissioned officer shall be removed from office unless by the senate, on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court martial, pursuant to law. The present officers of the militia shall hold their commissions, subject to removal as before provided.

SEC. 5. In case the mode of election and appointment of militia officers, hereby directed, shall not be found conducive to the improvement of the militia, the legislature shall have the same, and provide by law for

their appointment and removal, if two thirds of the members present in each house shall concur therein.

SEC. 6. The secretary of state, comptroller, treasurer, attorney general, surveyor general, and commissary general, shall be appointed as follows: The senate and assembly shall each openly nominate one person for the said offices respectively: after which, they shall meet together, and if they shall agree in their nominations, the person so nominated shall be appointed to the office for which he shall be nominated. If they shall disagree, the appointment shall be made by the joint ballot of the senators, and members of assembly. The treasurer shall be chosen annually. The secretary of state, comptroller, attorney general, surveyor general and commissary general, shall hold their offices for three years, unless sooner removed by the concurrent resolution of the senate and assembly.

SEC. 7. The governor shall nominate, by message in writing, and with the consent of the senate shall appoint all judicial officers, except justices of the peace, who shall be appointed in manner following; that is to say: The board of supervisors in every county in this state, shall, at such times as the legislature may direct, meet together; and they, or a majority of them so assembled, shall nominate so many persons as shall be equal to the number of justices of the peace to be appointed in the several towns in the respective counties. And the judges of the respective county courts, or a majority of them, shall also meet and nominate a like number of persons; and it shall be the duty of the said board of supervisors and judges of county courts, to compare such nominations, at such time and place as the legislature may direct: and if on such comparison, the said boards of supervisors and judges of county courts, shall agree in their nominations, in all or in part, they shall file a certificate of the nominations in which they shall agree, in the office of the clerk of the county; and the person or persons named in such certificates, shall be justices of the peace: And in case of disagreement, in whole

or in part, it shall be the farther duty of the said boards of supervisors and judges respectively, to transmit their said nominations, so far as they disagree in the same, to the governor, who shall select from the said nominations, and appoint so many justices of the peace as shall be requisite to fill the vacancies. Every person appointed a justice of the peace, shall hold his office for four years, unless removed by the county court, for causes particularly assigned by the judges of the said court. And no justice of the peace shall be removed until he shall have notice of the charges made against him, and an opportunity of being heard in his defence.

SEC. 8. Sheriffs, and clerks of counties, including the register and clerk of the city and county of New York, shall be chosen by the electors of the respective counties, once in every three years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff: And the governor may remove any such sheriff, clerk or register, at any time within the three years for which he shall be elected, giving to such sheriff, clerk, or register, a copy of the charge against him, and an opportunity of being heard in his defence, before any removal shall be made.

SEC. 9. The clerks of courts, except those clerks whose appointment is provided for in the preceding section, shall be appointed by the courts of which they respectively are clerks; and district attornies, by the county courts. Clerks of courts, and district attornies, shall hold their offices for three years, unless sooner removed by the court appointing them.

SEC. 10. The mayors of all the cities in this state, shall be appointed annually, by the common councils of the respective cities.

SEC. 11. So many coroners as the legislature may

direct, not exceeding four in each county, shall be elected in the same manner as sheriffs, and shall hold their offices for the same term, and be removable in like manner.

SEC. 12. The governor shall nominate, and with the consent of the senate, appoint masters and examiners in chancery; who shall hold their offices for three years, unless sooner removed by the senate, on the recommendation of the governor. The registers and assistant registers, shall be appointed by the chancellor, and hold their offices during his pleasure.

SEC. 13. The clerk of the court of oyer and terminer, and general sessions of the peace, in and for the city and county of New York, shall be appointed by the court of general sessions of the peace in said city, and hold his office during the pleasure of the said court: and such clerks and other officers of courts, whose appointment is not herein provided for, shall be appointed by the several courts, or by the governor, with the consent of the senate, as may be directed by law.

SEC. 14. The special justices, and the assistant justices, and their clerks, in the city of New York, shall be appointed by the common council of the said city; and shall hold their offices for the same term, that the justices of the peace, in the other counties of this state, hold their offices, and shall be removable in like manner.

SEC. 15. All officers heretofore elective by the people, shall continue to be elected; and all other officers, whose appointment is not provided for by this constitution, and all officers, whose offices may be hereafter created by law, shall be elected by the people, or appointed, as may by law, be directed.

SEC. 16. Where the duration of any office is not prescribed by this constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

ARTICLE V.

SEC. 1. The court for the trial of impeachments, and the correction of errors, shall consist of the president of the senate, the senators, the chancellor, and the justices of the supreme court, or the major part of them; but when an impeachment shall be prosecuted against the chancellor, or any justice of the supreme court, the person so impeached, shall be suspended from exercising his office, until his acquittal; and when an appeal from a decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree, but shall have no voice in the final sentence; and when a writ of error shall be brought, on a judgment of the supreme court, the justices of that court shall assign the reasons for their judgment, but shall not have a voice for its affirmance or reversal.

SEC. 2. The assembly shall have the power of impeaching all civil officers of this state for mal and corrupt conduct in office, and for high crimes and misdemeanors: But a majority of all the members elected, shall concur in an impeachment. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence; and no person shall be convicted, without the concurrence of two thirds of the members present. Judgment, in cases of impeachment, shall not extend farther than the removal from office, and disqualification to hold, and enjoy, any office of honour, trust, or profit, under this state; but, the party convicted, shall be liable to indictment, and punishment, according to law.

SEC. 3. The chancellor and justices of the supreme court, shall hold their offices, during good behaviour, or until they shall attain the age of sixty years.

SEC. 4. The supreme court shall consist of a chief justice, and two justices, any of whom may hold the court.

SEC. 5. The state shall be divided, by law, into a

convenient number of circuits, not less than four, nor exceeding eight, subject to alteration, by the legislature, from time to time, as the public good may require; for each of which, a circuit judge shall be appointed, in the same manner, and hold his office by the same tenure, as the justices of the supreme court, and who shall possess the powers of a justice of the supreme court at chambers, and in the trial of issues joined in the supreme court; and in courts of oyer and terminer and gaol delivery. And such equity powers may be vested in the said circuit judges, or in the county courts, or in such other subordinate courts, as the legislature may by law direct, subject to the appellate jurisdiction of the chancellor.

SEC. 6. Judges of the county courts, and recorders of cities, shall hold their offices for five years, but may be removed by the senate, on the recommendation of the governor, for causes to be stated in such recommendation.

SEC. 7. Neither the chancellor nor justices of the supreme court, nor any circuit judge, shall hold any other office or public trust. All votes for any elective office, given by the legislature or the people, for the chancellor, or a justice of the supreme court, or circuit judge, during his continuance in his judicial office, shall be void.

ARTICLE VI.

SEC. 1. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation.

I do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the state of New York; and that I will faithfully discharge the duties of the office of
according to the best of my ability.

And no other oath, declaration, or test, shall be required as a qualification for any office of public trust.

ARTICLE VII.

SEC. 1. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the laws of the land, or the judgment of his peers.

SEC. 2. The trial by jury, in all cases in which it has been heretofore used, shall remain inviolate forever; and no new court shall be instituted, but such as shall proceed according to the course of the common law; except such courts of equity, as the legislature is herein authorized to establish.

SEC. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state, to all mankind; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace, or safety of this state.

SEC. 4. *And whereas* the ministers of the gospel are, by their profession, dedicated to the service of God, and the cure of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatsoever, shall at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding, any civil or military office or place within this state.

SEC. 5. The militia of this state, shall, at all times hereafter, be armed and disciplined, and in readiness for service; but all such inhabitants of this state of any religious denomination whatever, as from scruples of conscience, may be averse to bearing arms, shall be excused therefrom by paying to the state an equivalent in money; and the legislature, shall provide by law, for the collection of such equivalent, to be estimated according to the expense, in time, and money, of an ordinary able bodied militia man.

SEC. 6. The privilege of the writ of habeas corpus, shall not be suspended, unless when in cases of rebellion, or invasion, the public safety may require its suspension.

SEC. 7. No person shall be held to answer for a capital, or otherwise infamous crime, (except in cases of impeachment, and in cases of the militia, when in 'actual service; and the land and naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace, and in cases of petit larceny, under the regulation of the legislature;) unless on presentment, or indictment of a grand jury; and in every trial on impeachment or indictment, the party accused shall be allowed counsel as in civil actions. No person shall be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law: Nor shall private property be taken for public use, without just compensation.

SEC. 8. Every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right; and no law shall be passed, to restrain, or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libels, the truth may be given in evidence, to the jury; and if it shall appear to the jury, that the matter charged as libellous, is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 9. The assent of two thirds of the members elected to each branch of the legislature, shall be requisite to every bill appropriating the public monies or property, for local or private purposes, or creating, continuing, altering, or renewing, any body politic or corporate.

SEC. 10. The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public use, or ceded to the United States,

which shall hereafter be sold or disposed of, together with the fund denominated the common school fund, shall be and remain a perpetual fund; the interest of which, shall be inviolably appropriated and applied, to the support of common schools throughout this state.

Rates of toll, not less than those agreed to, by the canal commissioners, and set forth in their report to the legislature of the twelfth of March, one thousand eight hundred and twenty-one, shall be imposed on, and collected from all parts of the navigable communications between the great western and northern lakes, and the Atlantic ocean, which now are, or hereafter shall be made and completed: And the said tolls, together with the duties on the manufacture of all salt, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen; and the duties on goods sold at auction, excepting therefrom, the sum of thirty-three thousand five hundred dollars, otherwise appropriated by the said act; and the amount of the revenue established by the act of the legislature of the thirtieth of March, one thousand eight hundred and twenty, in lieu of the tax upon steam boat passengers; shall be, and remain inviolably appropriated and applied to the completion of such navigable communications, and to the payment of the interest, and reimbursement of the capital, of the money already borrowed, or which hereafter shall be borrowed, to make and complete the same. And neither the rates of toll on the said navigable communications; nor the duties on the manufacture of salt aforesaid; nor the duties on goods sold at auction, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen; nor the amount of the revenue, established by the act of March the thirtieth, one thousand eight hundred and twenty, in lieu of the tax upon steam boat passengers; shall be reduced or diverted, at any time before the full and complete payment of the principal and interest of the money borrowed, or to be borrowed, as aforesaid. And the legislature shall never sell, or dispose of the salt springs be-

longing to this state, nor the lands contiguous thereto, which may be necessary, or convenient for their use, nor the said navigable communications, or any part or section thereof; but the same shall be, and remain the property of this state.

SEC. 11. No lottery shall hereafter be authorized in this state; and the legislature shall pass laws to prevent the sale of all lottery tickets within this state except in lotteries already provided for by law.

SEC. 12. No purchase or contract for the sale of lands in this state, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, of, or with the Indians in this state, shall be valid unless made under the authority, and with the consent of the legislature.

SEC. 13. Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the Congress of the said colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed, or altered; and such acts of the legislature of this state, as are now in force, shall be and continue the law of this state, subject to such alterations, as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts or parts thereof as are repugnant to this constitution, are hereby abrogated.

SEC. 14. All grants of land within this state, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void: but nothing contained in this constitution, shall affect any grants of land within this state, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day: or shall affect any

such grants or charters since made by this state, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the state, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

ARTICLE VIII.

SEC. 1. Any amendment, or amendments, to this constitution, may be proposed in the senate or assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment, or amendments, shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; and shall be published for three months previous to the time of making such choice; and if in the legislature next chosen as aforesaid, such proposed amendment, or amendments, shall be agreed to, by two-thirds of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment, or amendments, to the people, in such manner, and at such time, as the legislature shall prescribe: and if the people shall approve and ratify such amendment, or amendments, by a majority of the electors qualified to vote for members of the legislature, voting thereon, such amendment, or amendments, shall become part of the constitution.

ARTICLE IX.

SEC. 1. This constitution shall be in force, from the last day of December, in the year one thousand eight hundred and twenty-two. But all those parts of the same, which relate to the right of suffrage; the division of the state into senate districts; the number of members of the assembly to be elected in pursuance of this constitution; the apportionment of members of assembly; the elections hereby directed to commence on the first Monday of November, in the year 1822; the continuance of

the members of the present legislature in office until the first day of January, in the year 1823, and the prohibition against authorizing lotteries; the prohibition against appropriating the public monies or property for local or private purpose, or creating, continuing, altering, or renewing any body politic or corporate, without the assent of two thirds of the members elected to each branch of the legislature, shall be in force and take effect, from the last day of February next. The members of the present legislature shall, on the first Monday of March next, take and subscribe an oath or affirmation, to support the constitution, so far as the same shall then be in force. Sheriffs, clerks of counties, and coroners, shall be elected at the election hereby directed to commence on the first Monday of November, in the year 1822; but they shall not enter on the duties of their offices before the first day of January then next following. The commissions of all persons holding civil offices on the last day of December, one thousand eight hundred and twenty-two, shall expire on that day; but the officers then in commission, may respectively continue to hold their said offices until new appointments, or elections shall take place under this constitution.

SEC. 2. The existing laws, relative to the manner of notifying, holding, and conducting elections, making returns, and canvassing votes, shall be in force, and observed, in respect to the elections hereby directed to commence on the first Monday of November, in the year 1822, so far as the same are applicable. And the present legislature shall pass such other and further laws, as may be requisite for the execution of the provisions of this constitution, in respect to elections.

Done in Convention, at the Capitol in the city of Albany, the tenth day of November, in the year 1821, and of the independence of the United States, of America, the forty-sixth.

DANIEL D. TOMPKINS, *President.*

JOHN F. BACON, }
SAMUEL S. GARDINER, } *Secretaries.*

NEW YORK.

Wherein is vested the legislative power of the state of New York? I. 1.

Of how many members does the senate consist? I. 2.

Of how many members does the assembly consist? I. 2.

How long do the members of each house retain their office? I. 2.

What constitutes a quorum for business? I. 3.

Must the proceedings of the legislature of New York be public? I. 4.

Of how many senatorial districts does the state consist? I. 5.

How are the senatorial districts divided and the senators apportioned? I. 6.

How are the members of assembly apportioned and chosen? I. 7.

Where may a bill originate? I. 8.

What are the limitations of the salary of the legislators, and how are they paid? I. 9.

Can a member hold any civil office during his membership? I. 10.

Can an officer of the United States hold a seat in the legislature? I. 11.

What is necessary in order to pass a bill into a law? I. 12.

How can an officer, appointed during good behaviour, be removed? I. 13.

When shall the legislature assemble? I. 14.

At what time does the general election in the state of New York take place? I. 15.

What are the qualifications for the right of suffrage? II. 1.

How are the elections conducted? II. 4.

Wherein is vested the executive power of the state of New York? III. 1.

How and where shall he be chosen? III. 3.

What are the necessary qualifications for governor? III. 2.

What are some of his most important duties? III. 4, 5, 6. IV. 2, 7, 12.

What power does he possess? III. 4, 5.

In the absence of the governor, how is his chair filled? III. 6.

What are the duties of the lieutenant-governor? III. 7.

How are the militia offices filled? IV. 1.

How are major-generals, brigade inspectors, and chiefs of the staff department appointed? IV. 2.

By whom are militia officers commissioned? IV. 4.

How can they be removed from office? IV. 4.

How are the secretary of state, the comptroller, treasurer, attorney general, surveyor general and commissary general, appointed? IV. 6.

- How are the judicial officers appointed? IV. 7.
- How are justices of the peace appointed, and for how long? IV. 7.
- How are sheriffs and county clerks chosen, and how often? IV. 8.
- How are clerks of courts and district attorneys appointed, and for how long? IV. 9.
- How do mayors of cities receive their appointments? IV. 10.
- How many and in what manner may coroners be created? IV. 11.
- How are the masters in chancery appointed? IV. 12.
- How are registers appointed, and for how long? IV. 12.
- How are the special justices and the assistant justices for the city of New York appointed? IV. 14.
- Who shall constitute the court for the trial of impeachments and the correction of errors? V. 1.
- Whose province is it to impeach any civil officer for mal or corrupt conduct in office? V. 2.
- How long do the chancellor and justices of the supreme court hold their offices? V. 3.
- What constitutes the supreme court? V. 4.
- Of how many judicial circuits may the state consist? V. 5.
- How many judges preside in each circuit? V. 5.
- With what powers? V. 5.
- How long do judges of county courts and recorders of cities hold their office? V. 6.
- Can the chancellor, justice of the supreme court, or circuit judge hold any other office? V. 7.
- What religious test is necessary for a candidate for office? VI.
- Is the trial by jury guaranteed to the citizens of the state of New York? VII. 2.
- What is the religion established by law in this state? VII. 3.
- Are the clergy eligible to either civil or military offices? VII. 4.
- What do you say of the militia of New York? VII. 5.
- Can the privilege of the writ of habeas corpus be suspended? VII. 6.
- Can a person be convicted and punished for a crime without legal process? VII. 7.
- Can private property be taken for public uses? VII. 7.
- Is liberty of speech and of the press guaranteed to the citizens of New York? VII. 8.
- What proportion of the legislature is necessary to patronize private institutions? VII. 9.
- How are the proceeds of lands belonging to the state appropriated? VII. 10.
- To whom belong the salt springs, canals, &c? VII. 10.

How is the revenue arising from them appropriated? VII. 10.

Can this public property be transferred? VII. 10.

Are lotteries permitted in this state? VII. 11.

Can the Indians of this state dispose of their lands? VII. 12.

Are the former laws and acts of this state in force since the adoption of this constitution? VII. 13.

What former grants of lands made by the king of Great Britain are valid? VII. 14.

How can amendments to this constitution be made? VIII.

CONSTITUTION OF NEW JERSEY.

WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies,* or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn: And whereas George the Third, king of Great Britain, has refused protection to the good people of these colonies; and by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas in the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable

* On the 20th September, 1777, an act of the legislature was passed, substituting the word *states* for the word *colonies*, in commissions, writs, &c. The other constitution has taken place in the constitution.

them to exert their whole force in their own necessary defence: and as the honourable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well being of America in general:— We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberation, agreed upon a set of chartered rights, and the form of a constitution, in the manner following, viz.

1. That the government of this province shall be vested in a governor, legislative council, and general assembly.

2. That the said legislative council and general assembly shall be chosen, for the first time, on the second Tuesday of August next; the members whereof shall be the same in number and qualifications as is hereinafter mentioned; and shall be and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

3. That on the second Tuesday in October yearly, and every year forever, (with the privilege of adjourning from day to day, as occasion may require) the counties shall severally choose one person to be a member of the legislative council of this colony, who shall be, and have been, for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of assembly; provided that no person shall be entitled to a seat in the said assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds,

proclamation money, in real and personal estate, in the same county; that, on the second Tuesday next after the day of election, the council and assembly shall separately meet, and that the consent of both houses shall be necessary to every law; provided, that seven shall be a quorum of the council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto: Provided always, that if a majority of the representatives of this province, in council and general assembly convened, shall at any time or times hereafter, judge it equitable and proper to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done, any thing in this charter to the contrary notwithstanding; so that the whole number of representatives in assembly shall not, at any time, be less than thirty-nine.

4. That all inhabitants of this colony, of full age, who are worth fifty pounds, proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly; and also for all other public officers that shall be elected by the people of the county at large.

5. That the assembly, when met, shall have power to choose a speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills to be passed into laws; and to empower their speaker to convene them whenever any extraordinary occurrence shall render it necessary.

6. That the council shall also have power to prepare bills to pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony; save only that *they shall not prepare or alter any money bill—which*

shall be the privilege of the assembly; that the council shall, from time to time, be convened by the governor or vice-president, but must be convened at all times when the assembly sits; for which purpose the speaker of the house of assembly shall always, immediately after an adjournment, give notice to the governor, or vice-president, of the time and place to which the house is adjourned.

7. That the council and assembly, jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the colony to be governor for one year, who shall be constant president of the council, and have a casting vote in their proceedings; and that the council themselves shall choose a vice-president, who shall act as such in the absence of the governor.

8. That the governor, or, in his absence, the vice-president of the council, shall have the supreme executive power, be chancellor of the colony, and act as captain-general and commander in chief of all the militia, and other military force, in this colony; and that any three or more of the council shall at all times be a privy council to advise the governor in all cases where he may find it necessary to consult them; and that the governor be ordinary or surrogate-general.

9. That the governor and council (seven whereof shall be a quorum) be the court of appeals, in the last resort, in all causes of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

10. That captains, and all other inferior officers of the militia shall be chosen by the companies in the respective counties; but field and general officers, by the council and assembly.

11. That the council and assembly shall have power to make the great seal of this colony, which shall be kept by the governor, or, in his absence, by the vice-president of the council, to be used by them as occasion

may require; and it shall be called *the great seal of the colony of New Jersey*.

12. That the judges of the supreme court shall continue in office for seven years; the judges of the inferior court of common pleas in the several counties, justices of the peace, clerks of the supreme court, clerks of the inferior court of common pleas and quarter sessions, the attorney general and provincial secretary, shall continue in office for five years, and the provincial treasurer shall continue in office for one year; and that they shall be severally appointed by the council and assembly, in manner aforesaid, and commissioned by the governor, or, in his absence, by the vice-president of the council. Provided always, that the said officers, severally, shall be capable of being reappointed, at the end of the terms severally before limited; and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehaviour by the council, on an impeachment of the assembly.

13. That the inhabitants of each county, qualified to vote as aforesaid, shall, at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may re-elect the same person to such offices until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the governor, or vice-president, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

14. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders, of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal shall, for that purpose, sit at some suitable

time or times, to be by them appointed, and made known to the people by advertisements.

15. That the laws of this colony shall begin in the following style, viz.—“ Be it enacted by the council and general assembly of this colony, and it is hereby enacted by the authority of the same:” that all commissions granted by the governor or vice-president, shall run thus: “ The colony of New Jersey to A B, &c. greeting:” and that all writs shall likewise run in the name of the colony; and that all indictments shall conclude in the following manner, viz “ Against the peace of this colony, the government and dignity of the same.”

16. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

17. That the estates of such persons as shall destroy their own lives, shall not, for that offence, be forfeited; but shall descend in the same manner as they would have done, had such persons died in a natural way: nor shall any article which may occasion accidentally the death of any one, be henceforth deemed a deodand, or in anywise forfeited on account of such misfortune.

18. That no person shall ever, within this colony, be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience: nor, under any pretence whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person within this colony ever be obliged to pay tythes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged himself to perform.

19. That there shall be no establishment of any one religious sect in this province, in preference to another; and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons,

professing a belief in the faith of any protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow subjects.

20. That the legislative department of this colony may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme or other court, sheriffs, or any other person or persons, possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in assembly; but that, on his being elected, and taking his seat, his office or post, shall be considered as vacant.

21. That all the laws of this province, contained in the edition lately published by Mr. Allison, shall be and remain in full force, until altered by the legislature of this colony, such only excepted, as are incompatible with this charter, and shall be, according as heretofore, regarded in all respects, by all civil officers and others, the good people of this province.

22. That the common law of England, as well as so much of the statute law as has been heretofore practised in this colony, shall still remain in force, until they shall be altered by a future law of the legislature; such parts only excepted, as are repugnant to the rights and privileges contained in this charter; and that the inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, without repeal, forever.

23. That every person who shall be elected, as aforesaid, to be a member of the legislative council or house of assembly, shall, previous to his taking his seat in council or assembly, take the following oath or affirmation, viz.

"I, A B, do solemnly declare, that, as a member of the legislative council (or assembly, as the case may be) of the colony of New Jersey, I will not assent to any

law, vote, or proceeding, which shall appear to me injurious to the public welfare of the said colony, nor that shall annul or repeal that part of the third section, in the charter of this colony, which establishes that the elections of members of the legislative council and assembly shall be annual; nor that part of the twenty-second section in said charter, respecting the trial by jury, nor that shall annul, repeal, or alter, any part or parts of the eighteenth or nineteenth sections of the same."

And any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this congress, that, if a reconciliation between Great-Britain and these colonies should take place, and the latter be again taken under the protection and government of the crown of Great-Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In Provincial Congress, }
Burlington, July 2, 1776. }

By order of Congress:

SAMUEL TUCKER, *President.*

Extract from the minutes.

WILLIAM PATTERSON, *Secretary.*

NEW JERSEY.

Wherein is vested the Government of New Jersey? 1.

When are the members of the legislative council and of the general assembly elected? 3.

To how many members of the legislative council is each county entitled? 3.

To how many members of the general assembly is each county entitled? 3.

What are the qualifications necessary to a member of the legislative council? 3.

What are the qualifications necessary to a member of the general assembly? 3.

When must the legislative council and general assembly meet? 3.

What is necessary to constitute a law? 3.

- What is a quorum of the council? 3.
 What is a quorum of the assembly? 3.
 What constitutes an elector? 4.
 What are the powers of the assembly? 5.
 What are the powers of the council? 6.
 How and by whom is the governor of New Jersey elected? and for how long? 7.
 In the absence of the governor, who fills his chair? 8.
 What is the final court of appeal? 9.
 How and by whom are the field officers of the militia elected? 10.
 How are captains and inferior officers chosen? 10.
 How long do the judges of the supreme court retain their office? 12.
 How long do the judges of inferior courts, justices of the peace, &c. hold their office? 12.
 How are they appointed and commissioned? 12.
 Are the said civil officers eligible to a reappointment? 12.
 How are sheriffs and coroners elected, and for how long? 13.
 How are they commissioned? 13.
 How are constables and commissioners of appeal elected? 14.
 Are criminals entitled to witnesses and counsel? 16.
 How far do the rights of conscience in religious matters extend? 18.
 Can the members of assembly hold any other office of the government? 20.
 Is the right of trial by jury guaranteed to the citizens of New Jersey? 22.
 To what does the oath of the members of the legislature bind them? 23.

CONSTITUTION OF PENNSYLVANIA,

As ratified in convention, the 2d day of September, 1790.

WE, the people of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

ARTICLE I.

SEC. 1. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

SEC. 2. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

SEC. 3. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county in which he shall be chosen; unless he shall have been absent on the public business of the United States or of this state. No person residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person residing without the limits of any such city, town, or borough, be elected a member therefor.

SEC. 4. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have at least one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeable to the ratio which shall then be established.

SEC. 5. The senators shall be chosen for four years, by the citizens of Philadelphia and of the several counties at the same time, in the same manner, and at the same places where they shall vote for representatives.

SEC. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among

the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one fourth, nor greater than one third, of the number of representatives.

SEC. 7. The senators shall be chosen in districts, to be formed by the legislature; each district containing such a number of taxable inhabitants as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia nor any county, shall be divided, in forming a district.

SEC. 8. No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district for which he shall have been chosen; unless he shall have been absent on the public business of the United States, or of this state.

SEC. 9. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided, by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class, at the expiration of the fourth year; so that one fourth may be chosen every year.

SEC. 10. The general assembly shall meet on the first Tuesday of December in every year, unless sooner convened by the governor.

SEC. 11. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker, *pro tempore*, when the speaker shall exercise the office of governor.

SEC. 12. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated in *such manner* as shall be directed by law. A majority

of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members, in such manner, and under such penalties, as may be provided.

SEC. 13. Each house may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two thirds, expel a member; but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free state.

SEC. 14. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy. And the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

SEC. 15. The doors of each house, and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

SEC. 16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 17. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall, in all cases except treason, felony, and breach or surety of the peace, be free from arrest, during their attendance at the session of the respective privileged houses, and in going to and returning from the same. And for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 18. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office, under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of congress, or other person holding any office, except of attorney at law, and in the militia, under

the United States or this commonwealth, shall be a member of either house, during his continuance in congress, or in office.

SEC. 19. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

SEC. 20. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills.

SEC. 21. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

SEC. 22. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which, likewise, it shall be reconsidered; and if approved by two thirds of that house, it shall be a law. But, in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall be presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case, it shall be a law, unless sent back within three days after their next meeting.

SEC. 23. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment,) shall be presented to the governor; and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by two thirds of both houses, according to the rules and limitations prescribed in case of a bill.

ARTICLE II.

SEC. 1. The supreme executive power of this commonwealth shall be vested in a governor.

SEC. 2. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor, shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them, in the presence of the members of both houses of the legislature. The person having the highest number of votes shall be governor. But, if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

SEC. 3. The governor shall hold his office during three years from the third Tuesday of December next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

SEC. 4. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state seven years next before his election; unless he shall have been absent on the public business of the United States, or of this state.

SEC. 5. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

SEC. 6. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

SEC. 7. He shall be commander in chief of the army and navy of this commonwealth, and of the militia; except when they shall be called into the actual service of the United States.

SEC. 8. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but, if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of congress from this state, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in this state, to which a salary is by law annexed, or any other office which future legislatures shall declare incompatible with offices or appointments under the United States.

SEC. 9. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

SEC. 10. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

SEC. 12. He may, on extraordinary occasions, convene the general assembly: and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn to such time as he shall think proper, not exceeding four months.

SEC. 13. He shall take care that the laws be faithfully executed.

SEC. 14. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be duly qualified. And if the

trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a governor shall be qualified as aforesaid.

SEC. 15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the legislature; and shall perform such other duties as shall be enjoined on him by law.

ARTICLE III.

SEC. 1. In elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector: Provided, that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

SEC. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

SEC. 3. Electors shall, in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

SEC. 1. The house of representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall

be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The governor, and all other civil officers, under this commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under this commonwealth. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE V.

SEC. 1. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general gaol delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace, for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

SEC. 2. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behaviour. But, for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

SEC. 3. The jurisdiction of the supreme court shall extend over the state; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery in all counties.

SEC. 4. Oath shall be directed by law,

the several courts of common pleas shall be established in the following manner: The governor shall appoint, in each county, not fewer than three, nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided, by law, into circuits, none of which shall include more than six, nor fewer than three counties. A president shall be appointed of the courts in each circuit, who during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

SEC. 5. The judges of the court of common pleas in each county shall, by virtue of their offices, be justices of oyer and terminer, and general gaol delivery, for the trial of capital and other offenders therein: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or gaol delivery in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

SEC. 6. The supreme court, and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating testimony, the obtaining of evidence from places not within this state, and the care of the persons and estates of those who are *non compos mentis*; and the legislature shall vest in the said courts such other powers, to grant relief in equity, as shall be found necessary; and may from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

SEC. 7. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof: and the register of wills, together

with the said justices, or any two of them, shall compose the register's court of each county.

SEC. 8. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

SEC. 9. The president of the court in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

SEC. 10. The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law: they shall be commissioned during good behaviour; but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both houses of the legislature.

SEC. 11. A register's office, for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

SEC. 12. The style of all process shall be *the commonwealth of Pennsylvania*; all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, *against the peace and dignity of the same*.

ARTICLE VI.

SEC. 1. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. Two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified: but no person shall be twice chosen or appointed sheriff, in any term of six years. Vacancies in either of the said

offices shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

SEC. 2. The freemen of this commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner, and for such time, as shall be directed by law.

SEC. 3. Prothonotaries, clerks of the peace, and orphans' courts, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith for any term not exceeding five years, after the county shall have been erected.

SEC. 4. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the governor.

SEC. 5. The state treasurer shall be appointed annually, by the joint vote of the members of both houses. All other officers in the treasury department, attorneys at law, election officers, officers relating to taxes, to the poor, and highways, constables, and other township officers, shall be appointed in such manner as is or shall be directed by law.

ARTICLE VII.

SEC. 1. The legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

SEC. 2. The arts and sciences shall be promoted, in one or more seminaries of learning.

SEC. 3. The rights, privileges, immunities, and estates, of religious societies and corporate bodies, shall

remain as if the constitution of this state had not been altered or amended.

ARTICLE VIII.

Members of the general assembly, and all officers, executive and judicial, shall be bound, by oath or affirmation, to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

ARTICLE IX.

That the general, great, and essential principles of liberty and free government may be recognised and unalterably established, we declare:

1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

2. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of those ends, they have, at all times; an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: and no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience: and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

4. That no person, who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to

hold any office or place of trust or profit under this commonwealth.

5. That elections shall be free and equal.

6. The trial by jury shall be as heretofore, and the right thereof remain inviolate.

7. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man: and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

8. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

9. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel: to demand the nature and cause of the accusation against him: to meet the witnesses face to face: to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or information, a speedy, public trial, by an impartial jury of the vicinage: that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

10. That no person shall, for any indictable offence, be proceeded against criminally by information, except

in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

11. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may by law direct.

12. That no power of suspending laws shall be exercised unless by the legislature or its authority.

13. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

14. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

15. That no commission of oyer and terminer or gaol delivery shall be issued.

16. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

17. That no *ex post facto* law, nor any law impairing contracts, shall be made.

18. That no person shall be attainted of treason or felony by the legislature.

19. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons as shall destroy their own lives, shall descend or

vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

20. That the citizens have a right in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

21. That the right of the citizens to bear arms in defence of themselves and the state, shall not be questioned.

22. That no standing army shall, in time of peace, be kept up, without the consent of the legislature: and the military shall in all cases, and at all times, be in strict subordination to the civil power.

23. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

24. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

25. That emigration from the state shall not be prohibited.

26. To guard against transgressions of the high powers which we have delegated, we declare, that every thing in this article, is excepted out of the general powers of government, and shall forever remain inviolate.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and, in order to carry the same into complete operation, it is hereby declared and ordained:

1. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and con-

tracts, as well of individuals as of bodies corporate shall continue as if the said alterations and amendments had not been made.

2. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday of December next; but no intermediate vacancies in the council shall be supplied by new elections.

3. That all officers in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices until the first day of September, one thousand seven hundred and ninety-one, unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation, and no longer, unless reappointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

4. That justice shall be administered in the several counties of this state until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

5. That no person now in commission as sheriff, shall be eligible at the next election for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

6. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives as is now prescribed by law.

7. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, to wit: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of Bucks shall be a district, and shall elect one senator: the county of Mont-

gomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne and Huntingdon shall be a district, and shall elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Allegheny shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumeration before mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

8. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making returns of the election of representatives. In those districts which consist of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state house in the city of Philadelphia; the judges of the district composed of the

counties of Lancaster and York, shall meet at the court house in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middletown in the county of Berks; the judges of the district composed of the counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Allegheny, shall meet in Westmoreland county, at the court house, in the town of Greensborough; the judges of the district composed of the counties of Washington and Fayette, shall meet at the court house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purposes aforesaid.

9. That the election of the governor shall be conducted in the several counties, in the manner prescribed by the laws of the state for the election of representatives: and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the Independence of the United States of America the fifteenth. In testimony whereof we have hereunto subscribed our names.

THOMAS MIFFLIN, *President.*

Attest, JOSEPH REDMAN, *Secretary.*
 JACOB SHALLUS, *Assistant Secretary.*

PENNSYLVANIA.

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CONSTITUTION OF DELAWARE.

We, the People, hereby ordain and establish this Constitution of Government for the state of Delaware.

THROUGH divine goodness, all men have by nature the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof, power is inherent in them; and, therefore, all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness: and they may, for this end, as circumstances require, from time to time, alter their constitution of government.

ARTICLE I.

SEC. 1. Although it is the duty of all men frequently to assemble together for the public worship of the Author of the Universe, and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet, no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate, that shall in any case interfere with, or in any manner control, the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

SEC. 2. No religious test shall be required as a qualification to any office, or public trust, under this state.

SEC. 3. All elections shall be free and equal.

SEC. 4. Trial by jury shall be as heretofore.

SEC. 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity: and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

SEC. 6. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as particularly as may be; nor then, unless there be probable cause, supported by oath or affirmation.

SEC. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time on application by himself, his friends, or counsel, for obtaining witnesses in his favour, and a speedy and public trial by an impartial jury: he shall not be compelled to give evidence against himself; nor shall be deprived of life, liberty, or property, unless by the judgment of his peers or the law of the land.

SEC. 8. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.

SEC. 9. All courts shall be open; and every man, for an injury done him in his reputation, person, moveable

or immoveable possessions, shall have remedy by due course of law, and justice administered according to the very right of the cause, and the law of the land, without sale, denial, or unreasonable delay or expense; and every action shall be tried in the county in which it shall be commenced, unless when the judges of the court in which the cause is to be tried, shall determine that an impartial trial thereof can not be had in that county. Suits may be brought against the state, according to such regulations as shall be made by law.

SEC. 10. No power of suspending laws shall be exercised, but by authority of the legislature.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the construction of gaols, a proper regard shall be had to the health of prisoners.

SEC. 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is positive or the presumption great: and when persons are confined on accusation for such offences, their friends and counsel may at proper seasons have access to them.

SEC. 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it.

SEC. 14. No commission of oyer and terminer or gaol delivery shall be issued.

SEC. 15. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident, no forfeiture shall be thereby incurred.

SEC. 16. Although disobedience to the laws by a part of the people, upon suggestions of impolicy or injustice in them, tends, by immediate effect and the influence of example, not only to endanger the public welfare and safety, but also, in governments of a republican form, contravenes the social principles of such governments, founded on common consent for common good; yet the

in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

11. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may by law direct.

12. That no power of suspending laws shall be exercised unless by the legislature or its authority.

13. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

14. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

15. That no commission of oyer and terminer or gaol delivery shall be issued.

16. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

17. That no *ex post facto* law, nor any law impairing contracts, shall be made.

18. That no person shall be attainted of treason or felony by the legislature.

19. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons as shall destroy their own lives, shall descend or

vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

20. That the citizens have a right in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

21. That the right of the citizens to bear arms in defence of themselves and the state, shall not be questioned.

22. That no standing army shall, in time of peace, be kept up, without the consent of the legislature: and the military shall in all cases, and at all times, be in strict subordination to the civil power.

23. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

24. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

25. That emigration from the state shall not be prohibited.

26. To guard against transgressions of the high powers which we have delegated, we declare, that every thing in this article, is excepted out of the general powers of government, and shall forever remain inviolate.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and, in order to carry the same into complete operation, it is hereby declared and ordained:

1. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and con-

tracts, as well of individuals as of bodies corporate shall continue as if the said alterations and amendments had not been made.

2. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday of December next; but no intermediate vacancies in the council shall be supplied by new elections.

3. That all officers in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices until the first day of September, one thousand seven hundred and ninety-one, unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation, and no longer, unless reappointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

4. That justice shall be administered in the several counties of this state until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

5. That no person now in commission as sheriff, shall be eligible at the next election for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

6. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives as is now prescribed by law.

7. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, to wit: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of Bucks shall be a district, and shall elect one senator: the county of Mont-

gomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne and Huntingdon shall be a district, and shall elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Allegheny shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumeration before mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

8. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making returns of the election of representatives. In those districts which consist of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state house in the city of Philadelphia; the judges of the district composed of the

Tuesday of October, by the citizens of the state having right to vote for representatives, in the counties where they respectively reside, at the places where they shall vote for representatives.

The returns of every election for governor shall be sealed up and immediately delivered by the returning officers of the several counties to the speaker of the senate, or, in case of his death, to the speaker of the house of representatives, who shall keep the same until a speaker of the senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both houses of the legislature. Duplicates of the said returns shall also be immediately lodged with the prothonotary of each county. The person having the highest number of votes shall be governor; but, if two or more shall be equal in the highest number of votes, the members of the two houses shall, by joint ballot, choose one of them to be governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the speaker of the senate shall have an additional casting vote.

Contested elections of a governor shall be determined by a joint committee, consisting of one third of all the members of each branch of the legislature, to be selected by ballot of the houses respectively; every person of the committee shall take an oath or affirmation, that, in determining the said election, he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

SEC. 3. The governor shall hold his office during three years from the third Tuesday of January next ensuing his election; and shall not be capable of holding it longer than three in any term of six years.

SEC. 4. He shall be at least thirty six years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election, and the last six of that *term an inhabitant of this state*, unless he shall have

been absent on the public business of the United States, or of this state.

SEC. 5. No member of congress, nor person holding any office under the United States or this state, shall exercise the office of governor.

SEC. 6. The governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

SEC. 7. He shall be commander in chief of the army and navy of this state, and of the militia; except when they shall be called into the service of the United States.

SEC. 8. He shall appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within a county who shall not have a right to vote for representatives, and have been an inhabitant therein one year next before his appointment, nor hold the office longer than he continues to reside in the county. No member of congress, nor any person holding or exercising any office under the United States, shall, at the same time, hold or exercise the office of judge, treasurer, attorney-general, secretary, clerk of the supreme court, prothonotary, register for the probate of wills and granting letters of administration, recorder, sheriff, or any office under this state, with a salary by law annexed to it, or any other office which the legislature shall declare incompatible with offices or appointments under the United States. No person shall hold more than one of the following offices at the same time, to wit: treasurer, attorney-general, clerk of the supreme court, prothonotary, register, or sheriff. All commissions shall be in the name of the state, shall be sealed with the great seal, and be signed and tested by the governor.

SEC. 9. He shall have power to remit fines and forfeitures; and to grant reprieves and pardons, except in cases of impeachment.

SEC. 10. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall, from time to time, give to the general assembly information of affairs concerning the state; and recommend to their consideration such measures as he shall judge expedient.

SEC. 12. He may, on extraordinary occasions, convene the general assembly; and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months.

SEC. 13. He shall take care that the laws be faithfully executed.

SEC. 14. On the death or resignation of the governor, or his removal from office on impeachment, or for inability, the speaker of the senate, at that time, shall exercise the office of governor until a new governor shall be duly qualified; and on the death or resignation of the speaker of the senate, the speaker of the house of representatives at that time, shall exercise the office, until it be regularly vested in a new governor. If the trial of a contested election shall continue longer than the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate, or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability, but with the concurrence of two thirds of all the members of each branch of the legislature.

SEC. 15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor; and shall, when required by either branch of the legislature, lay the same, and all papers, minutes, and vouchers relative thereto, before them; and shall

perform such other duties as shall be enjoined on him by law. He shall have a compensation for his services, to be fixed by law.

ARTICLE IV.

SEC. 1. All elections of governor, senators, and representatives, shall be by ballot; and, in such elections, every white freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and the sons of persons so qualified shall, between the ages of twenty-one and twenty-two years, be entitled to vote, although they shall not have paid taxes.

SEC. 2. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

ARTICLE V.

SEC. 1. The house of representatives shall have the sole power of impeaching; but two thirds of all the members must concur in an impeachment. All impeachments shall be tried by the senate; and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two thirds of all the senators.

SEC. 2. The governor and all other civil officers under this state, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit under this state; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment, according to law.

SEC. 3. Treason against this state shall consist only

in levying war against it, or in adhering to the enemies of the government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE VI.

SEC. 1. The judicial power of this state shall be vested in a court of chancery, a supreme court and courts of oyer and terminer and general gaol delivery, in a court of common pleas, and in an orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature, two thirds of all the members of each branch concurring, may, from time to time, establish.

SEC. 2. The chancellor and the judges of the supreme court, and of the court of common pleas, shall hold their offices during good behaviour: but, for any reasonable cause which shall not be a sufficient ground for an impeachment, the governor may, in his discretion, remove any of them, on the address of two thirds of all the members of each branch of the legislature. They shall, at stated times, receive for their services adequate salaries, to be fixed by law, which shall not be diminished during their continuance in office, and shall be payable quarterly to their respective orders upon the treasurer, out of any monies in the treasury; but they shall hold no other office of profit, nor receive any fees or perquisites, except such fees as shall be fixed by law for business to be done out of court.

SEC. 3. The judges of the supreme court shall be not fewer than three, nor more than four, one of whom shall be the chief justice. There shall be a judge residing in each county. The jurisdiction of this court shall extend over the state. The judges shall, by virtue of their offices, be justices of oyer and terminer, and general gaol delivery, in the several counties. Any two of the judges may act as if all were present.

SEC. 4. The judges of the court of common pleas

shall be not fewer than three, nor more than four, one of whom shall be chief justice. There shall be a judge residing in each county. The jurisdiction of this court shall extend over the state. Any two of the judges may act as if all were present.

SEC. 5. The chancellor or any judge of the supreme court, or of the court of common pleas, shall issue the writ of habeas corpus, in vacation time, and out of term, when duly applied for, which shall be immediately obeyed.

SEC. 6. Any judge of the supreme court, or of the court of common pleas, may, unless the legislature shall otherwise provide by law, out of court, take the acknowledgment of deeds; and the same being thereon certified, under his hand, such deed shall be recorded, and have the same effect as if acknowledged in open court.

SEC. 7. In civil causes, when pending, the supreme court and court of common pleas shall have the power, before judgment, of directing, upon such terms as they shall deem reasonable, amendments in pleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the state, upon interrogatories *de bene esse*, to be read in evidence in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the state.

SEC. 8. Suits may originate in the supreme court or court of common pleas.

SEC. 9. One judge of the supreme court or of the court of common pleas may, if the other judges come not, open and adjourn the court, and may also make the necessary rules preparatory respectively to the trial or argument of causes.

SEC. 10. At any time pending an action for debt or

damages, the defendant may bring into court a sum of money for discharging the same and the costs then accrued, and the plaintiff not accepting thereof, it shall be delivered for his use to the clerk or prothonotary of the court; and if upon the final decision of the cause, the plaintiff shall not recover a greater sum than that paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

SEC. 11. By the death of any party, no suit in chancery, or at law, where the cause of action survives, shall abate; but, until the legislature shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner, or plaintiff, may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator, being duly served with a scire facias, thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases the court shall pass a decree, or render judgment for or against executors or administrators as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion, shall grant such a continuance of the cause as to the judges shall appear proper.

SEC. 12. Whenever a person, not being an executor or administrator, appeals from a decree of the chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

SEC. 13. No writ of error shall be brought upon any

judgment heretofore confessed, entered, or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered, or rendered, but within five years after the confessing, entering, or rendering thereof, unless the person entitled to such writ be an infant, femme couvert, non compos mentis or a prisoner, and then within five years exclusive of the time of such disability.

SEC. 14. The equity jurisdiction heretofore exercised by the judges of the court of common pleas, shall be separated from the common law jurisdiction, and vested in a chancellor, who shall hold courts of chancery in the several counties of this state. In cases of equity jurisdiction, where the chancellor is interested, the cognisance thereof shall belong to the court of common pleas, with an appeal to the high court of errors and appeals.

SEC. 15. The judges* of the court of common pleas or any two of them, shall compose the orphans' court of each county, and may exercise the equity jurisdiction heretofore exercised by the orphans' court, except as to the adjusting and settling executors, administrators, and guardians' accounts; in which cases they shall have an appellate jurisdiction from the sentence or decree of the register. This court may issue process throughout the state, to compel the attendance of witnesses. Appeals may be made from the orphans' court, in cases where that court has original jurisdiction, to the supreme court whose decision shall be final.

SEC. 16. An executor, administrator, or guardian, shall file every account with the register for the county, who shall, as soon as conveniently may be, carefully examine the particulars, with the proofs thereof, in the presence of such executor, administrator, or guardian, and shall adjust and settle the same, according to the very right of the matter, and the law of the land: which account, so settled, shall remain in his office for inspec-

* The jurisdiction of the orphans' court is now vested in the chancellor by an amendment adopted Feb 5, 1802.

tion; and the executor, administrator, or guardian shall, within three months after such settlement, give due notice, in writing, to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the state, that the account is lodged in the said office for inspection; and the judges of the orphans' court shall hear the exceptions of any persons concerned, if any be made, and thereupon allow no demand whatever against the estate of the deceased, unless, upon consideration of all circumstances, they shall be fully convinced that the same is therewith justly chargeable.

SEC. 17. The registers of the several counties shall respectively hold the register's court in each county. Upon the litigation of a cause, the depositions of the witnesses examined shall be taken at large in writing, and make part of the proceedings in the cause. This court may issue process throughout the state to compel the attendance of witnesses. Appeals may be made from the register's court to the supreme court, whose decision shall be final. In cases where a register is interested in questions concerning the probate of wills, the granting letters of administration, or executors, administrators, or guardians' accounts, the cognisance thereof shall belong to the orphans' court, with an appeal to the supreme court, whose decision shall be final.

SEC. 18. The prothonotaries of the court of common pleas may issue process as heretofore, take recognisances of bail, and sign confession of judgment; and the clerks of the supreme court shall have the like powers. No judgment in the supreme court or court of common pleas, held for one county, shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situated.

SEC. 19. The judges of the court of common pleas shall, by virtue of their offices, compose the courts of general quarter sessions of the peace and gaol delivery, within the several counties. Any two of the said judges *shall be a quorum.*

SEC. 20. The governor shall appoint a competent number of persons to the office of justice of the peace, not exceeding ~~twelve in each county~~, until two thirds of both houses of the legislature shall, by law direct an addition to the number, who shall be commissioned for seven years, if so long they shall behave themselves well; but may be removed by the governor within that time, on conviction of misbehaviour in office, or on the address of both houses of the legislature.

SEC. 21. The style in all process and public acts shall be, *the state of Delaware*. Prosecutions shall be carried on in the name of the state, and shall conclude, *against the peace and dignity of the state*.

ARTICLE VII.

SEC. 1. There shall be a court, styled *the high court of errors and appeals*, which shall consist of the chancellor and of the judges of the supreme court, and court of common pleas. Any four of the judges of this court may proceed on business; but any smaller number may open and adjourn the court. If any of them has rendered judgment or passed a decree in any cause before removal, he shall not sit judicially upon the hearing of the same in this court, but may assign the reasons upon which such judgment was rendered, or such decree passed. The chancellor shall preside except when he can not sit judicially; and in such cases, or in his absence, the chief justice of the supreme court; but if he is so disqualified or absent, then the chief justice of the court of common pleas shall preside; and if he is so disqualified or absent, then the next eldest judge, according to priority in date of commissions, if present, and not disqualified as aforesaid, shall preside. This court shall have power to issue writs of error to the supreme court, and to the court of common pleas, and to receive and determine appeals from interlocutory or final orders or decrees of the chancellor. Errors shall be assigned, and causes of appeal exhibited in writing, speedily, and citations duly served on adverse parties.

SEC. 2. Upon the reversal of a judgment of the supreme court, or of the court of common pleas, or a decree of the chancellor, this court shall respectively ~~render~~ such judgment, or pass such decree, as the supreme court or the court of common pleas, or the chancellor, ought to have rendered or passed, except where the reversal is in favour of the plaintiff or petitioner in the original suit, and the damages to be assessed, or the matters to be decreed, are uncertain. In any of which cases the causes shall be remanded, in order to a final decision.

SEC. 3. The judges of this court may issue all process proper for bringing records fully before them, and for carrying their determinations into execution.

ARTICLE VIII.

SEC. 1. The members of the senate and house of representatives, the chancellor, the judges of the supreme court, and the court of common pleas, and the attorney-general, shall, by virtue of their offices, be conservators of the peace throughout the state, and the treasurer, secretary, clerks of the supreme court, prothonotaries, registers, recorders, sheriffs, and coroners, shall, by virtue of their offices, be conservators thereof, within the counties respectively in which they reside.

SEC. 2. The representative, and when there shall be more than one, the representatives, of the people of this state in congress, shall be voted for at the same places where representatives in the state legislature are voted for, and in the same manner.

SEC. 3. The state treasurer shall be appointed annually by the house of representatives, with the concurrence of the senate. No person who hath served in the office of state treasurer, shall be eligible to a seat in either house of the legislature, until he shall have made a final settlement of his accounts as treasurer, and discharged the balance, if any, thereon due.

SEC. 4. Two persons for the office of sheriff, and two for the office of coroner, shall be chosen by the citizens residing in each county, and having right to vote for re-

representatives, at the time and places of election of representatives, one of whom, for each office respectively, shall be appointed by the governor. They shall hold their office for three years, if so long they shall behave themselves well, and until successors be duly qualified; but no person shall be twice appointed sheriff, upon election by the citizens, in any term of six years. The governor shall fill vacancies in these offices, by new appointments, to continue unto the next general election, and until successors shall be chosen and duly qualified. The legislature, two thirds of each branch concurring, may, when it shall be judged expedient, vest the appointment of sheriffs and coroners in the governor; but no person shall be twice appointed sheriff, in any term of six years.

SEC. 5. The attorney-general, clerks of the supreme court, prothonotaries, registers, clerks of the orphans' court and of the peace, shall respectively be commissioned for five years, if so long they shall behave themselves well; but may be removed by the governor within that time, on conviction of misbehaviour in office, or on the address of both houses of the legislature. Prothonotaries, clerks of the supreme court, of the orphans' courts, registers, recorders, and sheriffs, shall keep their offices in the town or place in each county in which the supreme court and the court of common pleas are usually held.

SEC. 6. Attorneys at law, all inferior officers in the treasury department, election officers, officers relating to taxes, to the poor, and to the highways, constables and hundred officers, shall be appointed in such manner as is or may be directed by law.

SEC. 7. All salaries and fees annexed to offices shall be moderate; and no officer shall receive any fees whatever, without giving to the person who pays, a receipt for them, if required, therein specifying every particular, and the charge for it.

SEC. 8. No cost shall be paid by a person accused, on a bill being returned ignoramus; nor on acquittal by a jury, unless a majority of the judges present at the trial,

certify that there was probable cause for the prosecution.

SEC. 9. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain as if the constitution of this state had not been altered. No clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this state, or of being a member of either branch of the legislature, while he continues in the exercise of the pastoral or clerical functions.

SEC. 10. All the laws of this state, existing at the time of making this constitution, and not inconsistent with it, shall remain in force, unless they shall be altered by future laws; and all actions and prosecutions now pending shall proceed as if this constitution had not been made.

SEC. 11. This constitution shall be prefixed to every edition of the laws made by direction of the legislature.

SEC. 12. The legislature shall, as soon as conveniently may be, provide by law for ascertaining what statutes and parts of statutes shall continue to be in force within this state; for reducing them and all acts of the general assembly, into such order, and publishing them in such manner, that thereby the knowledge of them may be generally diffused; for choosing inspectors and judges of elections, and regulating the same in such manner as shall most effectually guard the rights of the citizens entitled to vote; for better securing personal liberty, and easily and speedily redressing all wrongful restraints thereof; for more certainly obtaining returns of impartial juries; for dividing lands and tenements in sales by sheriffs, where they will bear a division, into as many parcels as may be, without spoiling the whole, and for advertising and making the sales in such manner and at such times and places, as may render them most beneficial to all persons concerned; and for establishing schools, and promoting arts and sciences.

ARTICLE IX.

Members of the general assembly, and all officers, executive and judicial, shall be bound, by oath or affirmation, to support the constitution of this state, and to perform the duties of their respective offices with fidelity.

ARTICLE X.

The general assembly, whenever two thirds of each house shall deem it necessary, may, with the approbation of the governor, propose amendments to this constitution, and at least three, and not more than six months, before the next general election of representatives, duly publish them in print, for the consideration of the people; and, if three fourths of each branch of the legislature shall after such an election, and before another, ratify the same amendments, they shall be valid to all intents and purposes, as parts of this constitution. No convention shall be called but by the authority of the people; and an unexceptionable mode of making their sense known, will be for them, at a general election of representatives, to vote also, by ballot, *for* or *against* a convention, as they shall severally choose to do; and if thereupon, it shall appear, that a majority of all the citizens in the state, having right to vote for representatives, have voted for a convention, the general assembly shall, accordingly, at their next sessions, call a convention, to consist at least of as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time, that representatives are, by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected.

SCHEDULE.

That no inconveniencies may arise from the alterations of the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained:

SEC. 1. That the president, or, in case of his death, inability, or absence from the state, the speaker of the

legislative council, at that time, and in case of his death, inability, or absence from the state, the speaker of the house of assembly, at that time, shall respectively, with the privy council, exercise the executive authority of this state, until the third Tuesday in January next. If the death, inability, or absence of the president, shall happen after the first Tuesday of next October, and before the first Tuesday in next January, then the executive authority shall devolve upon the person who was speaker of the council at the next preceding session of the general assembly: and in case of his death, inability, or absence, upon the person who was speaker of the house of assembly at the said next preceding session.

SEC. 2. That all persons holding offices to which, under this constitution, appointments are to be made by the governor, shall continue in the exercise of the duties of their respective offices, until the first Tuesday of October, one thousand seven hundred and ninety-three, unless their commissions shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation, and no longer, unless re-appointed and commissioned by the governor.

SEC. 3. That justice shall be administered in the several counties of this state, until the period last mentioned, by the same justices, in the same courts, and in the same manner, as heretofore.

SEC. 4. That the sheriffs elected at October next shall hold their respective commissions two years, and no longer, from that time, or until new sheriffs are elected and appointed; and such persons shall not be again eligible until the expiration of three years after their commissions cease.

SEC. 5. That the elections of governor, senators, and representatives, shall be conducted by the same persons, and in the same manner as is prescribed by the election laws of this state, concerning the election of members of the council, and of the house of assembly; and the returns thereof shall be made respectively to the per-

son exercising the executive authority, to the senate, and to the house of representatives.

SEC. 6. The first meeting of the legislature, under this constitution, shall be at the town of Dover.

Done in convention, the twelfth day of June, in the year of our Lord one thousand seven hundred and ninety-two, and of the Independence of the United States of America the sixteenth. In testimony whereof, we have hereunto subscribed our names.

THOMAS MONTGOMERY, *President.*

Attest,

JAMES BOOTH, *Secretary.*

DELAWARE.

Wherein is vested the legislative power of the state of Delaware? II. 1.

When and how often are the members of the house of representatives chosen? II. 2.

What are the qualifications of a representative? II. 2.

To how many representatives is each county entitled? II. 2.

How often and where are the senators elected? II. 3.

What are the qualifications requisite for a senator? II. 3.

To how many senators is each county entitled? II. 3.

When shall the general assembly meet? II. 4.

What constitutes a quorum for business? II. 6.

Must a journal of each house be kept and published? II. 8.

Must the proceedings be public? II. 9.

What are the privileges and rewards of the members? II. 11.

Can a member hold any other office? II. 12.

How are vacancies in the representation filled? II. 13.

Where must bills for raising a revenue originate? II. 14.

Wherein is vested the executive power of this state? III. 1.

When, where, and by whom is the governor elected? III. 2.

In case of an equality of votes for governor, how is the election determined? III. 2.

How are contested elections adjusted? III. 2.

How long shall the governor retain his office? III. 3.

What are the qualifications of governor? III. 4.

What are his duties? III. 7—13.

How is a vacancy in the gubernatorial chair filled? III. 14.

- How is the governor furnished with a secretary? III. 15.
 Who are electors in the state of Delaware? IV. 1.
 What are the privileges of electors? IV. 2.
 How are impeachments made and how tried? V. 1.
 What is treason? V. 3.
 Wherein is vested the judicial power? VI. 1.
 How long do the chancellor and judges hold their office? VI. 2.
 What constitutes a quorum of judicial officers? VI. 3 & 4.
 How are justices of the peace appointed, and for how long?
 VI. 20.
 How many may there be in each county? VI. 20.
 Who, in virtue of their offices shall be conservators of the peace
 throughout the state, and who throughout the county? VIII. 1.
 How and when are the representatives to congress elected?
 VIII. 2.
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 How are sheriffs and coroners elected, and for how long? VIII. 4.
 For how long are the attorney general, clerks of the supreme
 court, prothonotaries, &c. commissioned? VIII. 5.
 Can a clergyman hold any civil office in this state? VIII. 9.
 How can amendments to the constitution of Delaware be made? X.

CONSTITUTION OF MARYLAND.*

The Declaration of Rights, and the constitution and form of government of the state of Maryland.

THE DECLARATION OF RIGHTS.

The parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and in pursuance of such claim, endeavoured, by force of arms, to subjugate the united colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people:—Therefore,

* Such parts of the original constitution, or the amendments thereto as have been altered or abolished, are printed in *italics*.

We, the delegates of Maryland, in free and full convention assembled, taking into our most serious consideration the best means of establishing a good constitution in this state, for the sure foundation and more permanent security thereof, declare:

1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

2. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used, and practised by the courts of law or equity; and also to all acts of assembly, in force on the first of June, seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be, altered by acts of convention, or this declaration of rights—subject, nevertheless, to the revision of, and amendment or appeal by, the legislature of this state: and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his majesty Charles I. to Cæcilius Calvert, baron of Baltimore.

4. That all persons invested with the legislative or executive powers of government, are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and the public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of non-resistance

against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

5. That the right, in the people, to participate in the legislature, is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to, the community, ought to have a right of suffrage.

6. That the legislative, executive, and judicial powers of government, ought to be forever separate and distinct from each other.

7. That no power of suspending laws, or the execution of laws, unless by, or derived from, the legislature, ought to be exercised or allowed.

8. That freedom of speech and debate, or proceedings, in the legislature, ought not to be impeached in any other court of judicature.

9. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of the public records; and the legislature ought not to be convened or held at any other place, but from evident necessity.

10. That, for redress of grievances, and for amending, strengthening, and preserving the laws, the legislature ought to be frequently convened.

11. That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

12. That no aid, charge, tax, burthen, fee or fees, ought to be set, rated, or levied, under any pretence, without consent of the legislature.

13. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished: that paupers ought not to be assessed for the support of government; but every other person in the state ought to contribute his proportion of public taxes, for the support of government, according to his actual worth, in real or personal property, within the state; yet fines, duties, or taxes, may properly and justly be imposed or laid, with

political view, for the good government and benefit of the community.

14. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time hereafter.

15. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made.

16. That no law to attain particular persons of treason or felony, ought to be made in any case, or at any time hereafter.

17. That every freeman, for any injury done him in his person or property, ought to have remedy, by the course of the law of the land, and ought to have justice and right, freely, without sale, fully, without any denial, and speedily, without delay, according to the law of the land.

18. That the trial of facts where they arise is one of the greatest securities of the lives, liberties, and estates of the people.

19. That, in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him, on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

20. That no man ought to be compelled to give evidence against himself, in a court of common law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

21. That no freeman ought to be taken, or imprisoned, or disseized of his freehold, liberties, or privileges,

or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

23. That all warrants, without oath or affirmation, to search suspected places, or to seize any persons or property, are grievous and oppressive; and all general warrants, to search suspected places, or to apprehend suspected persons, without naming or describing the place or the persons in special, are illegal and ought not to be granted.

24. That there ought to be no forfeiture of any part of the estate of any person, for any crime except murder, or treason against the state, and then only on conviction and attainder.

25. That a well regulated militia is the proper and natural defence of a free government.

26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

27. That, in all cases and at all times, the military ought to be under strict subordination to, and control of the civil power.

28. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and in time of war in such manner only as the legislature shall direct.

29. That no persons, except regular soldiers, mariners, and marines in the service of this state, or militia when in actual service, ought in any case to be subject to, or punishable by, martial law.

30. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore, the chancellor and judges ought to hold commissions during good behaviour; and the said chancellor and judges shall be removed for misbehaviour on

conviction in a court of law, and may be removed by the governor, upon the address of the general assembly: provided that two thirds of all the members of each house concur in such address. That salaries, liberal, but not profuse, ought to be secured to the chancellor and the judges during the continuance of their commissions, in such manner, and at such times, as the legislature shall hereafter direct, upon consideration of the circumstances of this state. No chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

31. That a long continuance in the first executive department of power or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

32. That no person ought to hold, at the same time, more than one office of profit, nor ought any person in public trust to receive any present from any foreign prince or state, or from the United States, or any of them, without the approbation of this state.

33. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights: nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship or any particular ministry; yet the legislature may, in their discretion, lay a general and equal tax for the support of the christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomi-

nation; or the poor in general of any particular county: but the churches, chapels, glebes, and all other property, now belonging to the church of England, ought to remain to the church of England forever. And all acts of assembly lately passed, for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force, and be executed, unless the legislature shall, by act, supersede or repeal the same: but no county court shall assess any quantity of tobacco, or sum of money, hereafter, on the application of any vestry men or church wardens; and every incumbent of the church of England, who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the act entitled “an act for the support of the clergy of the church of England in this province,” till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish, and performed his duty.

34. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use or benefit, and also every devise of goods or chattels to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, without the leave of the legislature, shall be void, except always any sale, gift, lease, or devise of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose, or such sale, gift, lease, or devise, shall be void.

35. That no other test or qualification ought to be re-

quired, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office, as shall be directed by this convention or the legislature of this state, and a declaration of a belief in the christian religion.

36. That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation by the attestation of the divine Being; and that the people called quakers, those called tinkers, and those called menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that quakers have been heretofore allowed to affirm; and to be of the same avail as an oath in all such cases as the affirmation of quakers hath been allowed and accepted within this state instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders ought to be granted, or security for the peace awarded, and quakers, tinkers, or menonists, ought also, on their solemn affirmation aforesaid, to be admitted as witnesses in all criminal cases *not capital*.

37. That the city of Annapolis ought to have all its rights, privileges and benefits agreeable to its charter and the acts of assembly confirming and regulating the same, subject, nevertheless, to such alterations as may be made by this convention or any future legislature.

38. That the liberty of the press ought to be inviolably preserved.

39. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

40. That no title of nobility, or hereditary honours, ought to be granted in this state.

41. That the subsisting resolves of this and the several conventions held for this colony, ought to be in force as laws, unless altered by this convention, or the legislature of this state.

42. That this declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed, or abolished by the legislature of this state, but in such manner as this convention shall prescribe and direct.

This declaration of rights was assented to and passed, in convention of the delegates of the freemen of Maryland, begun and held at Annapolis, the 14th day of August, A. D. 1776.

The Constitution and form of Government.

1. That the legislature consist of two distinct branches, a senate and house of delegates, which shall be styled, the general assembly of Maryland.

2. That the house of delegates shall be chosen in the following manner: all freemen above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this state above the value of thirty pounds current money, and having resided in the county in which they offer to vote one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen so qualified shall, on the first Monday of October, seventeen hundred and seventy seven, and on the same day in every year thereafter, assemble in the counties in which they are respectively qualified to vote, at the court house in the said counties, or at such other place as the legislature shall direct; and, when assembled, they shall proceed to elect, *viva voce*, four delegates for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, one whole year next preceding the election, above twenty-one years of age, and having in the state real or personal property above the value of five hundred pounds current money; and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declar-

ed and returned duly elected for their respective county.

3. *That the sheriff of each county, or, in case of sickness, his deputy, (summoning two justices of the county, who are required to attend for the preservation of the peace,) shall be judge of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his return thereof, under his hand, to the chancellor of this state for the time being.*

4. *That all persons, qualified by the charter of the city of Annapolis to vote for burgesses, shall on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, elect, viva voce, by a majority of votes, two delegates, qualified agreeable to the said charter; that the mayor, recorder, and aldermen of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day, as aforesaid; and shall make return thereof as aforesaid; but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county. unless they have a freehold of fifty acres of land in the county, distinct from the city.*

5. *That all persons, inhabitants of Baltimore town, and having the same qualifications as electors in the county, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, at such place in the said town as the judges shall appoint, elect, viva voce, by a majority of votes, two delegates, qualified as aforesaid; but, if the said inhabitants of the town shall so decrease, as that the number of persons having a right of suffrage therein shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this state, such town shall thenceforward cease to send two delegates or representatives to the house of delegates, until the said town shall have one half of the number of voters in some one county in this state.*

6. That *the commissioners of the said town, or any three or more of them, for the time being, shall be judges of the said election, and may adjourn as aforesaid, and shall make return thereof as aforesaid; but the inhabitants of the said town shall not be entitled to vote for, or be elected delegates, for Baltimore county: neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected, delegates for the said town.*

7. That, on refusal, death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor or member of the council, a warrant of election shall issue by the speaker, for the election of another in his place; of which ten days notice at the least (excluding the day of notice and the day of election) shall be given.

8. That not less than a majority of the delegates, with their speaker, (to be chosen by them by ballot,) constitute a house for the transaction of any business, other than that of adjourning.

9. That the house of delegates shall judge of the elections and qualifications of delegates.

10. That the house of delegates may originate all money bills, propose bills to the senate, or receive those offered by that body, and assent, dissent, or propose amendments; that they may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, and may commit any person, for any crime, to the public gaol, there to remain till he be discharged by due course of law. They may expel any member for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their inquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be

made payable to the state) to be sued for any breach of duty.

11. That the senate may be at full and perfect liberty to exercise their judgment in passing laws; and that they may not be compelled by the house of delegates, either to reject a money bill, which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment injurious to the public welfare, the house of delegates shall not, on any occasion, or under any pretence, annex to, or blend with, a money bill, any matter, clause, or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies to be raised for the support of government, or the current expenses of the state; and to prevent altercation about such bills, it is declared, that no bill imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill assessing, levying, or applying taxes or supplies for the support of government or the current expenses of the state, or appropriating money in the treasury, shall be deemed a money bill.

12. That the house of delegates may punish, by imprisonment, any person, who shall be guilty of a contempt, in their view, by any disorderly or riotous behaviour, or by threats to, or abuse of, their members, or by any obstruction to their proceedings. They may also punish by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from, the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness or any other person, attending on, or on their way to or from the house, or by rescuing any person committed by the house: and the senate may exercise the same power in similar cases.

13. That the treasurers (one for the western, and another for the eastern shore) and the commissioners of the loan office, may be appointed by the house of delegates, during their pleasure; and, in case of a refusal, death, resignation, disqualification, or removal out of the state, of any of the said commissioners or treasurers, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next general assembly.

14. That the senate be chosen in the following manner; all persons qualified *as aforesaid*, to vote for county delegates, shall on the first Monday of September, 1781, and on the same day in every fifth year forever thereafter, elect, *viva voce*, by a majority of votes, two persons for their respective counties (qualified *as aforesaid*, to be elected county delegates) to be electors of the senate: *and the sheriff of each county, or, in case of sickness, his deputy, (summoning two justices of the county, who are required to attend, for the preservation of peace) shall hold and be judge of the said election, and make return thereof, as aforesaid.* And all persons qualified *as aforesaid* to vote for delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September, 1781, and on the same day in every fifth year forever thereafter, elect, *viva voce*, by a majority of votes, one person for the said city and town respectively, qualified *as aforesaid* to be elected a delegate for the said city and town respectively: the said election to be held in the same manner, as the election of delegates for the said city and town; the right to elect the said elector, with respect to Baltimore town, to continue as long as the right to elect delegates for the said town.

15. That the said electors of the senate meet at the city of Annapolis, or such other place as shall be appointed for convening the legislature, on the third Monday in September, 1781, and on the same day in every *fifth year forever* thereafter, and they, or any twenty-

four of them, so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen senators, (nine of whom to be residents on the western, and six to be residents on the eastern shore,) men of the most wisdom, experience, and virtue, above twenty-five years of age, residents of the state above three whole years next preceding the election, *and having therein real and personal property, above the value of one thousand pounds, current money.*

16. That the senators shall be ballotted for at one and the same time, and out of the gentlemen residents of the western shore, who shall be proposed as senators, the nine who shall, on striking the ballots, appear to have the greatest numbers in their favour, shall be accordingly declared and returned duly elected; and out of the gentlemen residents of the eastern shore, who shall be proposed as senators, the six who shall, on striking the ballots, appear to have the greatest number in their favour, shall be accordingly declared and returned duly elected; and if two or more, on the same shore, shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons who on the first ballot shall have had an equal number, and they who shall have the greatest number in their favour on the second ballot, shall be accordingly declared and returned duly elected; and if the whole number should not thus be made up, because of an equal number on the second ballot still being in favour of two or more persons, then the election shall be determined by lot between those who have equal numbers; which proceedings of the electors shall be certified under their hands, and returned to the chancellor for the time being.

17. That the electors of senators shall judge of the qualifications and elections of members of their body: and on a contested election shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favour.

18. That the electors, immediately on their meeting, and before they proceed to the election of senators, take such oath of support and fidelity to this state, as this convention or the legislature shall direct, and also an oath "to elect without favour, affection, partiality, or prejudice, such persons for senators, as they in their judgment and conscience believe best qualified for the office."

19. That, in case of refusal, death, resignation, disqualification, or removal out of this state of any senator, or on his becoming governor, or a member of the council, the senate shall, immediately thereupon, or at their next meeting thereafter, elect by ballot (in the same manner as the electors are above directed to choose senators) another in his place, for the residue of the said term of five years.

20. That not less than a majority of the senate, with their president, (to be chosen by them by ballot) shall constitute a house for the transacting any business other than that of adjourning.

21. That the senate shall judge of the elections and qualification of senators.

22. That the senate may originate any other, except money bills, to which their assent or dissent only shall be given: and may receive any other bills from the house of delegates, and assent, dissent, or propose amendments.

23. That the general assembly meet annually, *on the first Monday of November*, and, if necessary, oftener.

24. That each house shall appoint its own officers, and settle its own rules of proceeding.

25. That a person of wisdom, experience, and virtue, shall be chosen governor, *on the second Monday of November, seventeen hundred and seventy-seven, and on the second Monday in every year forever thereafter*, by the joint ballot of both houses, (to be taken in each house respectively) deposited in a conference room; the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot *of both houses* shall be adopted in all cases. But if two

or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons who on the first ballot shall have had an equal number; and if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot between those who have equal numbers; and if the person chosen governor shall die, resign, remove out of the state, or refuse to act, (sitting the general assembly,) the senate and house of delegates shall immediately thereupon proceed to a new choice, in manner aforesaid.

26. That the senators and delegates, *on the second Tuesday of November, seventeen hundred and seventy-seven, and annually on the second Tuesday of November, forever thereafter*, elect by joint ballot (in the same manner as senators are directed to be chosen) five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, *and having therein a freehold of lands and tenements, above the value of one thousand pounds current money*, to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent; and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate or house of delegates, when called for by them or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state, as this convention, or the legislature, shall direct; and of secrecy, in such matters as he shall be directed by the board to keep secret.

27. *That the delegates to congress from this state, shall be chosen annually, or superseded in the mean time, by the joint ballot of both houses of assembly; and that there be a rotation, in such manner, that at least two of the number be annually changed; and no person shall be capable*

of being a delegate to congress for more than three in any term of six years; and no person who holds any office of profit in the gift of congress shall be eligible to sit in congress; but if appointed to any such office, his seat shall be thereby vacated. That no person, unless above twenty-five years of age, and a resident in the state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in congress.

28. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator or delegate, before he acts as such, shall take an oath of support and fidelity to this state, as aforesaid; and before the election of a governor, or members of the council, shall take an oath, "to elect without favour, affection, partiality, or prejudice, such person as governor, or member of the council. as they, in their judgment and conscience, believe best qualified for the office."

29. That the senate and delegates may adjourn themselves respectively; but if the two houses shall not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days, or some day between; and the assembly shall then meet and be held accordingly: and he shall, if necessary, by advice of the council, call them before the time, to which they shall in any manner be adjourned, on giving not less than ten days' notice thereof; but the governor shall not adjourn the assembly, otherwise than as aforesaid, nor prorogue nor dissolve it at any time.

30 That no person, unless above twenty-five years of age, a resident in this state above five years next preceding the election, *and having in the state real and personal property above the value of five thousand pounds current money (one thousand pounds whereof, at least, to be of freehold estate)* shall be eligible as governor.

31. That the governor shall not continue in that office longer than three years successively, nor be eligible as

governor until the expiration of four years after he shall have been out of that office.

32. That, upon the death, resignation, or removal out of this state, of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner, *and shall immediately call a meeting of the general assembly giving not less than fourteen days' notice of the meeting, at which meeting a governor shall be appointed, in manner aforesaid, for the residue of the year.*

33. That the governor, by and with the advice and consent of the council, may embody the militia; and when embodied, shall alone have the direction thereof; and, shall also have the direction of all the regular land and sea forces, under the laws of this state, (but he shall not command in person, unless advised thereto by the council, and then only so long as they shall approve thereof;) and may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state, and grant reprieves or pardons, for any crime, except in such cases where the law shall otherwise direct; *and may, during the recess of the general assembly, lay embargoes to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year, summoning the general assembly to meet within the time of the continuance of such embargo; and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she shall have come, shall, on strong grounds, be suspected to be infected with the plague; but the governor shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England or Great-Britain.*

34. That the members of the council, or any three or more of them, when convened, shall constitute a board for the transacting of business; that the governor, for the time being, shall preside in the council, and be entitled to a vote on all questions in which they shall be

divided in opinion; and in the absence of the governor, the first named of the council shall preside; and as such, shall also vote in all cases where the other members disagree in their opinion.

35. That, in case of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof immediately thereupon, or at their next meeting thereafter, shall elect, by ballot, another person (qualified as *aforesaid*) in his place, for the residue of the year.

36. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practised in this state.

37. That no senator, delegate of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state, while he acts as such; and no person holding a place of profit, or receiving any part of the profits thereof, or receiving the profits arising on any agency, for the supply of clothing or provisions for the army or navy, or holding any office under the United States, or any of them—or a minister, or preacher of the gospel, of any denomination—or any person employed in the regular land service, or marine, of this, or the United States, shall have a seat in the general assembly, or in the council of this state.

38. That every governor, senator, delegate to *congress* or assembly, and member of the council, before he acts as such, shall take an oath, "that he will not receive, directly or indirectly, at any time, any part of the profits of any office held by any other person, during his acting in his office of governor, senator, delegate to *congress* or assembly, or member of the council, or the profits, or *any part of the profits, arising on any agency, for the supply of clothing or provisions for the army or navy."*

39. That, if any senator, delegate to *congress*, or assembly, or member of the council, shall hold or execute any office of profit, or receive, directly or indirectly, at any time, the profits, or any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to *congress*, or assembly, or member of the council—his seat (on conviction in a court of law, by the oath of two credible witnesses,) shall be void; and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may judge.

40. That the chancellor, *all judges*, the attorney-general, *clerks of the general court*, the clerks of the county courts, the registers of the land office, and the registers of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

41. That there be a register of wills appointed for each county, who shall be commissioned by the governor, on the joint recommendation of the senate and house of delegates; and that, upon the death, resignation, disqualification, or removal out of the county, by any register of wills, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the general assembly.

42. That sheriffs shall be elected in each county, by ballot, every third year; that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor, for the said office; and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security to be taken every year as usual: and no sheriff shall be qualified to act before the same is given. In case of death, refusal, resignation, disqualifi-

cation, or removal out of the county, before the expiration of the three years, the other person, chosen as aforesaid, shall be commissioned by the governor, to execute the said office for the residue of the said three years, the said person giving bond with security as aforesaid; and, in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of council, may nominate and commission a fit and proper person to execute the said office for the residue of the said three years, the said person giving bond and security as aforesaid. The election shall be held at the same time and place appointed for the election of delegates; and *the justices there summoned to attend for the preservation of the peace, shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots.* All freemen, above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein—and all freemen, above the age of twenty-one years, and having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot one whole year next preceding the election—shall have a right of suffrage. No person to be eligible to the office of sheriff for a county, but an inhabitant of the said county, above the age of twenty-one years, and having real and personal property in the state above the value of one thousand pounds, current money. The justices aforesaid shall examine the ballots; and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.

43. That every person who shall offer to vote for delegates, or for the electors of the senate, or for the sheriff, shall, (if required by any three persons qualified to vote,) before he be admitted to poll, take such oath or affirmation of support and fidelity to this state, as this convention or the legislature shall direct.

44. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.

45. *That no field officer of the militia shall be eligible as a senator, delegate, or member of the council.*

46. That all civil officers, hereafter to be appointed for the several counties of this state, shall have been residents of the county respectively for which they shall be appointed, six months next before their appointment; and shall continue residents of their county respectively during their continuance in office.

47. That the judges of the *general court and justices of the county courts*, may appoint the clerks of their respective courts; and, in case of refusal, death, resignation, disqualification, or removal out of the state, or from their respective shores, of the clerks of the general court, or either of them, in the vacation of the said court—and, in case of refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the county court of which he is clerk—the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next *general court, or county court*, as the case may be.

48. That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and judges and justices, the attorney-general, *naval officers*, officers in the regular land and sea service, officers of the militia, registers of the land office, surveyors, and all other civil officers of government, (assessors, constables, and overseers of the roads only excepted,) and may also suspend or remove any civil officer, who has not a commission during good behaviour; and may suspend any militia officer for one month; and may also suspend or remove any regular officer in the land or sea service; and the governor may remove or suspend any militia officer, in pursuance of the judgment of a court martial.

49. That all civil officers, of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually *in the third week of November*. But, if any of them shall be reappointed, they may continue to act without any new commission or qualification; and every officer, though not reappointed, shall continue to act until the person who shall be appointed and commissioned in his stead shall be qualified.

50. That the governor, every member of the council, and every judge and justice, before they act as such, shall respectively take an oath "that he will not, through favour, affection, or partiality, vote for any person to office, and that he will vote for such person as in his judgment and conscience he believes most fit and best qualified for the office: and that he has not made, nor will make, any promise or engagement to give his vote or interest in favour of any person."

51. That there be two registers of the land office, one upon the western and one upon the eastern shore; that short extracts of the grants and certificates of the land on the western and eastern shores respectively, be made in separate books, at the public expense, and deposited in the offices of the said registers, in such manner as shall hereafter be provided by the general assembly.

52. That every chancellor, judge, register of wills, commissioner of the loan office, attorney-general, sheriff, treasurer, *naval officer*, register of the land office, register of the chancery court, and every clerk of the common law courts, surveyor, and auditor of the public accounts, before he acts as such, shall take an oath "that he will not, directly or indirectly, receive any fee or reward for doing his office of ———, but what is, or shall be, allowed by law; nor will, directly or indirectly, receive the profits or any parts of the profits of any office held by any other person: and that he does not hold the same office in trust, or for the benefit of any other person."

53. That, if any governor, chancellor, judge, register

of wills, attorney-general, register of the land office, commissioners of the loan office, register of the chancery court, or any clerk of the common law courts, treasurer, *naval officer*, sheriff, surveyor, or auditor of public accounts, shall receive, directly or indirectly, at any time, the profits or any part of the profits of any office, held by any other person, during his acting in the office to which he is appointed, his election, appointment, and commission, (on conviction in a court of law, by the oath of two credible witnesses,) shall be void, and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

54. That, if any person shall give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be governor, senator, delegate to *congress*, or assembly, member of the council, or judge, or to be appointed to any one of the said offices, or to any office of profit or trust, now created, or hereafter to be created, in this state—the person giving, and the person receiving the same, (on conviction in a court of law,) shall be forever disqualified to hold any office of trust or profit in this state.

55. That every person appointed to any office of profit or trust, shall, before he enters on the execution thereof, take the following oath, to wit: "I, A B, do swear that I do not hold myself bound in allegiance to the king of Great-Britain, and that I will be faithful, and bear true allegiance, to the state of Maryland," and shall also subscribe a declaration of his belief in the christian religion.

56. That there be a court of appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive in all cases of appeal from the general court, court of chancery, and court of admiralty: that one person of integrity and sound judgment in the law be appointed chancellor: that

three persons of integrity and sound judgment in the law be appointed judges of the court now called the provincial court: and that the same court be hereafter called and known by the name of the general court: which court shall sit on the western and eastern shores for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint.

57. That the style of all laws run thus: "Be it enacted by the general assembly of Maryland;" that all public commissions and grants run thus: "The state of Maryland," &c. and shall be signed by the governor, and attested by the chancellor, with the seal of the state annexed—except military and militia commissions, which shall not be attested by the chancellor, or have the seal of the state annexed; that all writs shall run in the same style, and be tested, sealed, and signed as usual; that all indictments shall conclude, "against the peace, government, and dignity of the state."

58. That all penalties and forfeitures, heretofore going to the king or proprietary, shall go to the state—save only such as the general assembly may abolish or otherwise provide for.

59. That this form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election: Provided, that nothing in this form of government which relates to the eastern shore particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof, at least two thirds of all the members of each branch of the general assembly shall concur.

60. That every bill passed by the general assembly, when engrossed, shall be presented by the speaker of the *house of delegates*, in the senate, to the governor for the

time being, who shall sign the same, and thereto affix the great seal, in the presence of the members of both houses: every law shall be recorded in the general court office of the western shore, and in due time printed, published, and certified under the great seal to the several county courts, in the same manner as hath been heretofore used in this state.

This form of government was assented to, and passed in convention of the delegates of the freemen of Maryland, begun and held at the city of Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention:

M. TILGHMAN, *President.*

AMENDMENTS

TO THE CONSTITUTION OF MARYLAND.

ARTICLE I.

Be it enacted by the general assembly of Maryland, *That all those parts of the constitution and form of government, that prevent a citizen conscientiously scrupulous of taking an oath in any case, and who are permitted by the constitution to affirm in certain cases, from taking a seat in the legislature, or from being an elector of the senate, without taking an oath of support to this government, shall be, and hereby are repealed, abrogated, and made null and void; and hereafter a solemn affirmation or declaration of support to this government, may be taken, and shall be received instead of an oath, by any citizen chosen a delegate or elector of the senate, conscientiously scrupulous of taking an oath in any case, and who is permitted by the constitution to affirm in certain cases.*—Passed November, 1788, ch. 42—confirmed, 1789, ch. 1.

ARTICLE II.

That no member of congress, or person holding an office of trust or profit under the United States, shall be

capable of having a seat in the general assembly, or being an elector of the senate, or holding any office of trust or profit under this state; and if any member of the general assembly, elector of the senate, or person holding an office of trust or profit under this state, shall take his seat in congress, or accept of an office of trust or profit under the United States, or being elected to congress, or appointed to an office of trust or profit under the United States, not make his resignation of his seat in congress, or of his office, as the case may be, within thirty days after notice of his election or appointment to office, as aforesaid, his seat in the legislature of this state, or as elector of the senate, or of his office held under this state as aforesaid, shall be void: Provided, that no person who is now or may be at any time when this act becomes part of the constitution, a member both of congress and of the legislature of this state, or who now holds, or may hold, at the time when this act becomes part of the constitution, an office as aforesaid, both under this state and the United States, shall be affected by this act, if, within fifteen days after the same shall become part of the constitution, he shall resign his seat in congress, or his office held under the United States.—Passed 1791, ch. 80 —confirmed 1792, ch. 22.

ARTICLE III.

That every person, being a member of either of the religious sects or societies called Quakers, Menonists, Tunkers, or Nicolites, or New Quakers, and who shall be conscientiously scrupulous of taking an oath on any occasion, being otherwise qualified and duly elected a senator, delegate, or elector of the senate, or being otherwise qualified and duly appointed or elected to any office of profit or trust, on making affirmation instead of taking the several oaths appointed by the constitution and form of government, and of the several acts of assembly of this state now in force, or that hereafter may be *made*, such person may hold and exercise any office of *profit or trust* to which he may be appointed or elected,

and may, by such affirmation, qualify himself to take a seat in the legislature, and to act therein as a member of the same in all cases whatever, or to be an elector of the senate, in as full and ample a manner, to all intents and purposes whatever, as persons are now competent and qualified to act, who are not conscientiously scrupulous of taking such oaths.—Passed, 1794, ch. 49, confirmed 1795, ch. 11.

ARTICLE IV.

That the mayor and second branch of the city council of the city of Baltimore, or any three or more of them, for the time being, shall be judges of the elections for delegates of the city of Baltimore, and for elector of the senate, and shall have and exercise all the rights and authorities respecting such elections, which were vested in the commissioners of Baltimore town, in virtue of the constitution and form of government.—Passed 1797, ch. 57—confirmed 1798, ch. 2.

ARTICLE V.

SEC. 1. That the people called Quakers, those called Nicolites, or New Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, shall be allowed to make their solemn affirmation as witnesses, in the manner that Quakers have been heretofore allowed to affirm, which affirmation shall be of the same avail as an oath, to all intents and purposes whatever.

SEC. 2. Before any of the persons aforesaid shall be admitted as a witness in any court of justice in this state, the court shall be satisfied, by such testimony as they may require, that such person is one of those who profess to be conscientiously scrupulous of taking an oath.—Passed 1797, ch. 118—confirmed 1798, ch. 83.

ARTICLE VI.

SEC. 1. That the several counties of this state, for the purpose of holding all future elections for delegates,

electors of the senate, and sheriffs of the several counties, shall be divided into separate districts, in the manner hereinafter directed, viz. St. Mary's county shall be divided and laid off into three separate districts; Kent county shall be divided and laid off into three separate districts; Calvert county shall be divided and laid off into three separate districts; Charles county shall be divided and laid off into four separate districts; Talbot county shall be divided and laid off into four separate districts; Somerset county shall be divided and laid off into three separate districts; Dorchester county shall be divided and laid off into three separate districts; Cecil county shall be divided and laid off into four separate districts; Prince George's county shall be divided and laid off into five separate districts; Queen Anne's county shall be divided and laid off into three separate districts; Worcester county shall be divided and laid off into five separate districts; Frederick county shall be divided and laid off into seven separate districts; Hartford county shall be divided and laid off into five separate districts; Caroline county shall be divided and laid off into three separate districts; Washington county shall be divided and laid off into five separate districts; Montgomery county shall be divided and laid off into five separate districts; Alleghany county shall be divided and laid off into six separate districts; Anne Arundel county, including the city of Annapolis, shall be divided and laid off into five separate districts; Baltimore county, out of the limits of the city of Baltimore, shall be divided and laid off into seven districts; and that the city of Baltimore shall be laid off into eight districts.

SEC. 2. All and every part of the constitution and form of government, relating to the judges, time, place, and manner of holding elections in the city of Baltimore, and all and every part of the second, third, fifth, fourteenth, and forty-second sections of the constitution and form of government of this state, which relate to the judges, place, time, and manner of holding the several elections for delegates, electors of the senate, and the

sheriffs of the several counties, be and the same are hereby abrogated, repealed, and annulled, and the same shall hereafter be regulated by law.—Passed 1798, ch. 115—confirmed 1799, ch. 48.

ARTICLE VII.

That every free white male citizen of this state, and no other, above twenty-one years of age, having resided twelve months in the county next preceding the election at which he offers to vote, and every free white male citizen of this state, above twenty-one years of age, and having obtained a residence of twelve months next preceding the election, in the city of Baltimore, or the city of Annapolis, and at which he offers to vote, shall have a right of suffrage, and shall vote by ballot, in the election of such county or city, or either of them, for delegates to the general assembly, electors of the senate, and sheriffs.—Passed 1801, ch. 90—confirmed, 1802, ch. 20.

ARTICLE VIII.

That Frederick county shall be divided and laid off into nine separate districts.—Passed 1802, ch. 82—confirmed 1803, ch. 19.

ARTICLE IX.

SEC. 1. That this state shall be divided into six judicial districts, in manner and form following, to wit: St. Mary's, Charles, and Prince George's counties, shall be the first district; Cecil, Kent, Queen Anne's, and Talbot counties, shall be the second district; Calvert, Anne Arundel, and Montgomery counties, shall be the third district; Caroline, Dorchester, Somerset, and Worcester counties, shall be the fourth district; Frederick, Washington, and Alleghany counties, shall be the fifth district; Baltimore and Hartford counties, shall be the sixth district; and there shall be appointed for each of the said judicial districts, three persons of integrity and sound legal knowledge, residents of the state of Maryland, who shall, previous to, and during their acting as

judges, reside in the district for which they shall respectively be appointed, one of whom shall be styled in the commission chief judge, and the other two associate judges of the district for which they shall be appointed; and the chief judge, together with the two associate judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behaviour; removable for misbehaviour, on conviction in a court of law, or shall be removed by the governor, upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address; and the county courts, so as aforesaid established, shall have, hold, and exercise, in the several counties of this state, all and every the powers, authorities, and jurisdictions, which the county courts of this state now have, use, and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act, shall respectively hold their sessions in the several counties, at such times and places as the legislature shall direct and appoint; and the salaries of the said judges shall not be diminished during the period of their continuance in office.

SEC. 2. In any suit or action at law hereafter to be commenced or instituted in any county court of this state, the judges thereof, upon suggestion in writing, by either of the parties thereto, supported by affidavit, or other proper evidence, that a fair and impartial trial can not be had in the county court of the county where such suit or action is depending, shall and may order and direct the record of their proceedings in such suit or action, to be transmitted to the judges of any county court within the district, for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; provided, nevertheless, that such suggestion shall be made as aforesaid, before or during the term in which the issue or *issues* may be joined in said suit or action; and provided,

also, that such further remedy may be provided by law in the premises, as the legislature shall, from time to time, direct and enact.

SEC. 3. If any party presented or indicted, in any of the county courts of this state, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial can not be had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution, to be transmitted to the judges of any adjoining county court, for trial, and the judges of such adjoining county court shall hear and determine the same, in the same manner as if such prosecution had been originally instituted therein: Provided, that such further and other remedy may be provided by law in the premises, as the legislature may direct and enact.

SEC. 4. If the attorney-general, or the prosecutor for the state, shall suggest, in writing, to any county court before whom an indictment is or may be depending, that the state can not have a fair and impartial trial in such court; it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such county court shall hear and determine the same, as if such prosecution had been originally instituted therein.

SEC. 5. There shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the state, which said court of appeal shall hold, use, and exercise all, and singular the powers, authorities, and jurisdictions, heretofore held, used, and exercised, by the court of appeals of this state, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established, shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint; and any

three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court, shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behaviour, removable only for misbehaviour on conviction in a court of law; and, in case of death, resignation, disqualification, or removal out of the state, or from their respective shores, of either of the said clerks, in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore. Passed 1804, ch. 55—confirmed 1805, ch. 16.

ARTICLE X.

That St. Mary's county shall be divided into four separate districts, and that the additional district shall be laid off adjoining and between the first and third districts, as they are now numbered—Passed 1806, ch. 29—confirmed 1807, ch. 8.

ARTICLE XI.

SEC. 1. That upon the death, resignation, or removal out of this state, of the governor, it shall not be necessary to call a meeting of the legislature, to fill the vacancy occasioned thereby, but the first named of the council for the time being, shall qualify and act as governor, until the next meeting of the general assembly, at which meeting a governor shall be chosen in the manner heretofore appointed and directed.

SEC. 2. No governor shall be capable of holding any *other office* of profit during the time for which he shall

be elected.—Passed June 1809, ch. 16—confirmed November, 1809, ch. 11.

ARTICLE XII.

That all such parts of the constitution and form of government, as require a property qualification in persons to be appointed or holding offices of profit or trust in this state, and in persons elected members of the legislature or electors of the senate, shall be and the same are hereby repealed and abolished.—Passed Nov. 1809, ch. 198—confirmed 1810, ch. 18.

ARTICLE XIII.

That it shall not be lawful for the general assembly of this state to lay an equal and general tax, or any other tax, on the people of this state, for the support of any religion.—Passed Nov. 1809, ch. 167—confirmed 1810, ch. 24.

ARTICLE XIV.

That every free white male citizen of this state, above twenty-one years of age, and no other, having resided twelve months within this state, and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for electors of the president and vice-president of the United States, for representatives of this state in the congress of the United States, for delegates to the general assembly of this state, electors of the senate, and sheriffs.—Passed Nov. 1809, ch. 83—confirmed 1810, ch. 33.

ARTICLE XV.

That no person residing in the city of Annapolis shall have a vote in the county of Anne-Arundel, for delegates for the said county: and all and every part of the constitution which enables persons holding fifty acres of

land to vote in said county, be and is hereby abolished—Passed November, 1809, ch. 38—confirmed 1810, ch. 49.

ARTICLE XVI.

That the forty-fifth article of the constitution and form of government be and the same is hereby repealed and utterly abolished.—Passed November, 1809, ch. 65—confirmed 1810, ch. 78.

ARTICLE XVII.

SEC. 1. That the time of the meeting of the general assembly shall be on the first Monday in December, in each year, instead of the first Monday in November, as is *now* prescribed by the constitution and form of government.

SEC. 2. The governor of this state shall be chosen on the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government; and the council to the governor shall be elected on the first Tuesday after the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government.

SEC. 3. All annual appointments of civil officers in this state shall be made in the third week of December in every year, in the same manner as the constitution and form of government now directs.—Passed 1811, ch. 211—confirmed November, 1812.

MARYLAND.

Of how many branches does the general assembly of Maryland consist? 1.

How are the members of the house of delegates elected? 2. (SEE AMENDMENTS) VI. 2. & XIV.

Who are electors? 2. (SEE AMENDMENTS) XIV.

To how many delegates is each county entitled? 2.

To how many delegates are the cities of Baltimore and Annapolis entitled? 4 & 5.

How are vacancies in the house of delegates filled? 7.

How many delegates form a quorum? 8.

What are the powers of the house of delegates? 9, 10 & 12.

How many treasurers are there, and how are they appointed? 13.
How are the senators elected and for how long? 14, 15 & 16. (SEE AMENDMENTS.)

Of how many members does the senate consist? and what are their qualifications? 15.

How are vacancies in the senate supplied? 19.

What is a quorum of the senate? 20.

When does the general assembly meet? (SEE AMENDMENTS) XVII. 2.

When and how is the governor elected? 25. (SEE AMENDMENTS) XVII. 2.

When and how is the governor's council elected? 26. (SEE AMENDMENTS) XVII. 2.

What must be the qualifications of governor? 30.

How long is the governor eligible? 31.

In the absence of the governor who fills his place? 32. (SEE AMENDMENTS) XI. 1.

What are the powers of the governor? 33.

What constitutes a quorum of the council? 34.

How long do the chancellor, attorney general, &c. hold their office? 40.

How are sheriffs elected, and for how long? 42. (SEE AMENDMENTS) XIV.

Is a justice of the peace eligible to the general assembly? 44.

From whom do the chancellor, judges, justices, &c. receive their appointment? 48.

How is corruption in the right of suffrage prevented? 54.

How are amendments to the constitution made? 59.

How are bills passed into laws? 60.

When are the annual appointments of civil officers made? (SEE AMENDMENTS) XVII. 3.

CONSTITUTION OF VIRGINIA.

The constitution or Form of Government agreed to and resolved upon by the delegates and representatives of the several counties and corporations of Virginia, in a general convention, held at Williamsburgh, on the 6th of May, and continued by adjournments to the 5th of July, 1776.

WE, the delegates and representatives of the good people of Virginia, do declare the future form of government of Virginia, to be as followeth:

The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of the assembly.

The legislative shall be formed of two distinct branches, who, together, shall be a complete legislature. They shall meet once or oftener, every year, and shall be called *the general assembly of Virginia*. One of these shall be called *the house of delegates*, and consist of two representatives to be chosen for each county, and for the district of West Augusta, annually, of such men as actually reside in, and are freeholders of the same, or duly qualified according to law, and also of one delegate, or representative, to be chosen annually, for the city of Williamsburgh, and one for the borough of Norfolk, and a representative, for each of such other cities and boroughs as may hereafter be allowed particular representation by the legislature; but when any city or borough shall so decrease, as that the number of persons having right of suffrage therein shall have been, for the space of seven years successively, less than half the number of voters in some one county in Virginia, such city or borough thenceforward shall cease to send a delegate or representative to the assembly.

The other shall be called *the senate*, and consist of twenty-four members, of whom thirteen shall constitute a house to proceed on business; for whose election, the different counties shall be divided into twenty-four districts; and each county of the respective district, at the time of election of its delegates, shall vote for one senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county, within five days at farthest, after the last county election in the district, shall meet at some convenient place, and, from the poll so taken in their respective counties, return as a senator the man who shall have the greatest number of votes in the whole district. To keep up this assembly, by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the general election, the six members elected by the first division shall be displaced, and the vacancies thereby occasioned supplied from such classes or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

The right of suffrage in the election of members for both houses shall remain as exercised at present; and each house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election, for the supplying intermediate vacancies.

All laws shall originate in the house of delegates, to be approved of or rejected by the senate, or to be amended, with consent of the house of delegates; except money bills, which in no instance shall be altered by the senate, but wholly approved or rejected.

A governor, or chief magistrate, shall be chosen annually, by joint ballot of both houses, (to be taken in each house respectively,) deposited in the conference room; the boxes examined jointly by a committee of each house, and the number severally reported to them,

that the appointments may be entered (which shall be the mode of taking the joint ballot of both houses, in all cases,) who shall not continue in that office longer than three years successively, nor be eligible until the expiration of four years after he shall have been out of that office. An adequate, but moderate salary, shall be settled on him during his continuance in office; and he shall with the advice of a council of state exercise the executive powers of government, according to the laws of this commonwealth; and shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England. But he shall, with the advice of the council of state, have the power of granting reprieves or pardons, except where the prosecution shall have been carried on by the house of delegates, or the law shall otherwise particularly direct; in which cases, no reprieve or pardon shall be granted, but by resolve of the house of delegates.

Either house of the general assembly may adjourn themselves respectively. The governor shall not prorogue or adjourn the assembly during their sitting, nor dissolve them at any time, but he shall, if necessary, either by advice of the council of state, or on application of a majority of the house of delegates, call them before the time to which they shall stand prorogued or adjourned.

A privy council or council of state, consisting of eight members, shall be chosen by joint ballot of both houses of assembly, either from their own members or the people at large, to assist in the administration of government. They shall annually choose, out of their own members, a president, who, in case of death, inability, or absence of the governor, from the government, shall act as lieutenant governor. Four members shall be sufficient to act, and their advice and proceedings shall be entered on record, and signed by the members present, (to any part whereof, any member may enter his dissent,) to be laid before the general assembly, when called for by them. This council may appoint their own clerk, who *shall have a salary settled by law, and take an oath of*

secrecy, in such matters as he shall be directed by the board to conceal. A sum of money appropriated to that purpose shall be divided annually among the members, in proportion to their attendance; and they shall be incapable, during their continuance in office, of sitting in either house of assembly. Two members shall be removed, by joint ballot of both houses of assembly, at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

The delegates for Virginia to the continental congress shall be chosen annually, or superseded in the mean time, by joint ballot of both houses of assembly.

The present militia officers shall be continued, and vacancies supplied by appointment of the governor, with the advice of the privy council, on recommendations from the respective county courts; but the governor and council shall have a power of suspending any officer, and ordering a court martial, on complaint of misbehaviour or inability, or to supply vacancies of officers, happening when in actual service.

The governor may embody the militia, with the advice of the privy council; and, when embodied, shall alone have the direction of the militia, under the laws of the country.

The two houses of assembly shall, by joint ballot, appoint judges of the supreme court of appeals, and general court judges in chancery, judges of admiralty, secretary, and the attorney-general, to be commissioned by the governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the governor, with the advice of the privy council, shall appoint persons to succeed in office, to be approved or disapproved by both houses. These officers shall have fixed and adequate salaries, and, together with all others holding lucrative offices, and all ministers of the gospel, of every denomination, be incapable of being elected members of either house of assembly or the privy council.

The governor, with the advice of the privy council, shall appoint justices of the peace for the counties: and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective county courts. The present acting secretary in Virginia, and clerks of all the county courts, shall continue in office. In case of vacancies, either by death, incapacity, or resignation, a secretary shall be appointed as before directed; and the clerks by the respective courts. The present and future clerks shall hold their offices during good behaviour, to be judged of and determined in the general court. The sheriffs and coroners shall be nominated by the respective courts, approved by the governor, with the advice of the privy council, and commissioned by the governor. The justices shall appoint constables; and all fees of the aforesaid officers be regulated by law.

The governor, when he is out of office, and others, offending against the state, either by mal-administration, corruption, or other means, by which the safety of the state may be endangered, shall be impeachable by the house of delegates. Such impeachment to be prosecuted by the attorney-general or such other person or persons as the house may appoint, in the general court, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or be removed from such office *pro tempore*, or subjected to such pains or penalties as the laws shall direct.

If all or any of the judges of the general court should, on good grounds, (to be judged of by the house of delegates) be accused of any of the crimes or offences above mentioned, such house of delegates may, in like manner, impeach the judge or judges so accused, to be prosecuted in the court of appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

Commissions and grants shall run "*In the name of the commonwealth of Virginia,*" and bear test by the go-

vernor, with the seal of the commonwealth annexed. Writs shall run in the same manner, and bear test by the clerks of the several courts. Indictments shall conclude, "*against the peace and dignity of the commonwealth.*"

A treasurer shall be appointed annually, by joint ballot of both houses.

All escheats, penalties, and forfeitures, heretofore going to the king, shall go to the commonwealth, save only such as the legislature may abolish, or otherwise provide for.

The territories, contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released, and forever confirmed to the people of these colonies respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever, which might at any time heretofore have been claimed by Virginia, except the free navigation and use of the rivers Potomaque and Pokomoke, with the property of the Virginia shores and strands bordering on either of the said rivers, and all improvements which have been, or shall be, made thereon. The western and northern extent of Virginia shall, in all other respects, stand as fixed by the charter of James I. in the year one thousand six hundred and nine, and by the public treaty of peace between the courts of Britain and France, in the year one thousand seven hundred and sixty-three; unless by act of this legislature, one or more governments be established westward of the Alleghany mountains. And no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

VIRGINIA.

Wherein is vested the legislative power of Virginia?

Of whom does the house of delegates consist?

How long does their delegation continue?

Of how many members does the senate consist?

How many of the senate constitute a quorum?

How are the senators elected, and for how long?
How are vacancies in the representation filled?
Where shall all laws originate?
How is the governor elected?
How many years successively is he eligible?
Is the executive power exercised by the governor alone?
Who are his counsellors and assistants?
Of how many members does the council consist?
How are they elected?
How is a vacancy in the governor's chair filled?
How are the delegates to the congress chosen?
How are the judicial officers appointed?
Is a clergyman eligible to the offices of state?
How are justices of the peace appointed?
How are sheriffs and coroners appointed?
How is the treasurer appointed?

CONSTITUTION OF OHIO.

Done in Convention, begun and held at Chillicothe, on Monday, the 1st of November, A. D. 1802, and of the Independence of the United States the 27th.

We, the people of the eastern division of the territory of the United States north-west of the river Ohio, having the right of admission into the general government, as a member of the Union, consistent with the constitution of the United States the ordinance of Congress of one thousand seven hundred and eighty-seven, and the law of Congress, entitled "An act to enable the people of the eastern division of the territory of the United States north-west of the river Ohio to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form

ourselves into a free and independent state, by the name of *The State of Ohio*.

ARTICLE I.

SEC. 1. The legislative authority of this state shall be vested in a general assembly which shall consist of a senate and house of representatives, both to be elected by the people.

SEC. 2 Within one year after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of all the white male inhabitants above twenty one years of age shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each; and shall never be less than twenty four, nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-two thousand—and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed seventy-two.

SEC. 3. The representatives shall be chosen annually, by the citizens of each county respectively, on the second Tuesday of October.

SEC. 4. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen one year next preceding his election, unless he shall have been absent on the public business of the United States or of this state, and shall have paid a state or county tax.

SEC. 5. The senators shall be chosen biennially, by qualified voters for representatives; and, on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or dis-

tricts, as near as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year; so that one half thereof, as near as possible, may be annually chosen forever thereafter.

SEC. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one third nor more than one half of the number of representatives.

SEC. 7. No person shall be a senator who has not arrived at the age of thirty years, and is a citizen of the United States; shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States or of this state, and shall moreover have paid a state or county tax.

SEC. 8. The senate and house of representatives, when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments; two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 9. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

SEC. 10. Any two members of either house shall have liberty to dissent from and protest against any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

SEC. 11. Each house may determine the rules of its proceedings, punish its members for disorderly beha-

viour, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

SEC. 12. When vacancies happen in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies.

SEC. 13. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

SEC. 14. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence: Provided, such imprisonment shall not, at any one time, exceed twenty-four hours.

SEC. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. Bills may originate in either house, but may be altered, amended, or rejected, by the other.

SEC. 17. Every bill shall be read on three different days in each house, unless, in case of urgency, three fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speakers of their respective houses.

SEC. 18. The style of the laws of the state shall be, "*Be it enacted by the general assembly of the state of Ohio.*"

SEC. 19. The legislature of this state shall not allow the following officers of government greater annual

salaries than as follows, until the year one thousand eight hundred and eight, to wit; the governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditor of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars; no member of the legislature shall receive more than two dollars per day during his attendance on the legislature, nor more for every twenty-five miles he shall travel in going to, and returning from the general assembly.

SEC. 20. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time.

SEC. 21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 22. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, annually.

SEC. 23. The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose they shall be on oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two thirds of all the senators.

SEC. 24. The governor, and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honour, profit or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SEC. 25. The first session of the general assembly shall commence on the first Tuesday of March next; and forever after the general assembly shall meet on the first Monday of December in every year, and at no other period, unless directed by law, or provided for by this constitution.

SEC. 26. No judge of any court of law or equity, secretary of state, attorney-general, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or this state, provided that the appointments in the militia or justices of the peace shall not be considered lucrative offices, shall be eligible as a candidate for, or have a seat in, the general assembly.

SEC. 27. No person shall be appointed to any office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SEC. 28. No person who heretofore hath been, or hereafter may be, a collector or holder of public monies, shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

ARTICLE II.

SEC. 1. The supreme executive power of this state shall be vested in a governor.

SEC. 2. The governor shall be chosen by the electors of the members of the general assembly, on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence

of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor: but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. 3. The first governor shall hold his office until the first Monday of December, one thousand eight hundred and five, and until another governor shall be elected and qualified to office; and forever after the governor shall hold his office for the term of two years and until another governor shall be elected and qualified, but he shall not be eligible more than six years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this state four years next preceding his election.

SEC. 4. He shall, from time to time, give to the general assembly information of the state of the government and recommend to their consideration such measures as he shall deem expedient.

SEC. 5. He shall have the power to grant reprieves and pardons after conviction; except in cases of impeachment.

SEC. 6. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. When an officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the legislature.

SEC. 9. He may, on extraordinary occasions, convene the general assembly, by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened.

SEC. 10. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SEC. 11. In case of disagreement between the two houses, with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

SEC. 12. In case of the death, impeachment, resignation, or the removal of the governor from office, the speaker of the senate shall exercise the office of governor until he be acquitted, or another governor shall be duly qualified. In case of impeachment of the speaker of the senate, or his death, removal from office, resignation, or absence from the state, the speaker of the house of representatives shall succeed to the office, and exercise the duties thereof, until a governor shall be elected and qualified.

SEC. 13. No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor.

SEC. 14. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called *the great seal of the state of Ohio*.

SEC. 15. All grants and commissions shall be in the name and by the authority of the state of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

SEC. 16. A secretary of state shall be appointed by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before

either branch of the legislature, and shall perform such other duties as shall be assigned him by law.

ARTICLE III.

SEC. 1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may from time to time establish.

SEC. 2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law: provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court.

SEC. 3. The several courts of common pleas shall consist of a president and associate judges. The state shall be divided by law into three circuits: there shall be appointed in each circuit a president of the courts, who, during his continuance in office, shall reside therein. There shall be appointed in each county not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas, which court shall have common law and chancery jurisdiction, in all such cases as shall be directed by law; provided that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents after the term of five years.

SEC. 4. The judges of the supreme court and court of common pleas, shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

SEC. 5. The court of common pleas in each county

shall have jurisdiction of all probate and testamentary matters, granting administration, and the appointment of guardians, and such other cases as shall be prescribed by law.

SEC. 6. The judges of the court of common pleas shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

SEC. 7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state. The presidents of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective circuits, and the judges of the court of common pleas shall, by virtue of their offices, be conservators of the peace in their respective counties.

SEC. 8. The judges of the supreme court, the presidents, and the associate judges of the court of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court, and the presidents of the courts of common pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this state or the United States.

SEC. 9. Each court shall appoint its own clerk, for the term of seven years; but no person shall be appointed clerk, except pro tempore, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court, that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of

good behaviour, at any time, by the judges of the respective courts.

SEC. 10. The supreme court shall be held once a year, in each county; and the courts of common pleas shall be holden in each county at such times and places as shall be prescribed by law.

SEC. 11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years: whose powers and duties shall from time to time be regulated and defined by law.

SEC. 12. The style of all process shall be, The State of Ohio; and all prosecutions shall be carried on in the name and by the authority of the state of Ohio; and all indictments shall conclude, against the peace and dignity of the same.

ARTICLE IV.

SEC. 1. In all elections, all white male inhabitants, above the age of twenty-one years, having resided in the state one year next preceding the election, and who have paid, or are charged with, a state or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the the time of the election.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

SEC. 4. The legislature shall have full power to exclude from the privilege of electing, or of being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 5. Nothing contained in this article shall be so construed as to prevent white male persons, above the age of twenty-one years, who are compelled to labour on the roads of their respective townships or counties,

and who have resided one year in the state, from having the right of an elector.

ARTICLE V.

SEC. 1. Captains and subalterns in the militia shall be elected by those persons in their respective company districts subject to military duty.

SEC. 2. Majors shall be elected by the captains and subalterns of the battalion.

SEC. 3. Colonels shall be elected by the majors, captains, and subalterns of the regiment.

SEC. 4. Brigadiers general shall be elected by the commissioned officers of their respective brigades.

SEC. 5. Majors general and quarter masters general shall be appointed by joint ballot of both houses of the legislature.

SEC. 6. The governor shall appoint the adjutant general. The majors general shall appoint their aids, and other division officers. The brigadiers their majors; the brigade majors their staff officers; commanders of regiments shall appoint their adjutants, quarter masters, and other regimental staff officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

SEC. 7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff, and the captains and subalterns their non-commissioned officers and musicians.

ARTICLE VI.

SEC. 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof who are qualified to vote for members of the assembly: they shall be elected at the time and place of holding elections for members of assembly: they shall continue in office two years if they shall so long behave well, and until suc-

cessors be chosen and duly qualified: provided, that no person shall be eligible as sheriff for a longer term than four years in any term of six years.

SEC. 2. The state treasurer and auditor shall be triennially appointed, by a joint ballot of both houses of the legislature.

SEC. 3. All town and township officers shall be chosen annually, by the inhabitants thereof duly qualified to vote for members of the assembly, at such time and place as may be directed by law.

SEC. 4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

ARTICLE VII.

SEC. 1. Every person who shall be chosen or appointed to any office of trust or profit under the authority of the state, shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and this state, and also an oath of office.

SEC. 2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise, or bestow, any such reward to be elected, shall thereby be rendered incapable for two years to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

SEC. 3. No new county shall be established by the general assembly which shall reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

SEC. 4. Chillicothe shall be the seat of government until the year one thousand eight hundred and eight.

No money shall be raised until the year one thousand eight hundred and nine, by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the legislature.

SEC. 5. That, after the year one thousand eight hundred and six, whenever two thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same places, and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending, or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state.

SEC. 6. That the limits and boundaries of this state be ascertained, it is declared, that they are as hereafter mentioned—that is to say, bounded on the east by the Pennsylvania line, on the south by the Ohio river, to the mouth of the Great Miami river; on the west by the line drawn due north from the mouth of the Great Miami aforesaid; and on the north by an east and west line, drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid: Provided, always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect

the said Lake Erie east of the mouth of the Miami river of the Lake, then, and in that case, with the assent of the congress of the United States, the northern boundary of this state shall be established by, and extending to, a direct line running from the southern extremity of Lake Michigan, to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami river as aforesaid, thence north-east to the territorial, and by the said territorial line to the Pennsylvania line.

ARTICLE VIII.

That the general, great, and essential principles of liberty and free government may be recognised, and forever unalterably established, we declare,

SEC. 1. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety; and every free republican government, being founded on their sole authority, and organized for the purpose of protecting their liberties, and securing their independence—to effect these ends they have at all times a complete power to alter, reform, or abolish their government, whenever they may deem it necessary.

SEC. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under pretence of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration, received, or to be received, for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter made and exe-

cuted, out of this state, or, if made in the state, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their conscience; that no human authority can in any case whatever control or interfere with the rights of conscience; that no man shall be compelled to attend, erect or support, any place of worship, or to maintain any ministry, against his consent; and that no preference shall ever be given by law to any religious society or mode of worship; and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality and knowledge, being essentially necessary to the good government and the happiness of mankind, schools, and the means of instruction, shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.

SEC. 4. Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

SEC. 5. That the people shall be secure in their persons, houses, papers and possessions, from all unwarrantable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted.

SEC. 6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer; and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write or print, upon any subject, as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the mat-

ter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 7. That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

SEC. 8. That the right of trial by jury shall be inviolate.

SEC. 9. That no power suspending the laws shall be exercised, unless by the legislature.

SEC. 10. That no person arrested or confined in gaol shall be treated with unnecessary rigour, or be put to answer any criminal charge, but by presentment, indictment, or impeachment.

SEC. 11. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his council, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself—nor shall he be twice put in jeopardy for the same offence.

SEC. 12. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

SEC. 13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

SEC. 14. All penalties shall be proportioned to the

nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

SEC. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

SEC. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, or forfeiture of estate.

SEC. 17. That no person shall be liable to be transported out of this state, for any offence committed within the state.

SEC. 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SEC. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

SEC. 20. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in time of peace are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

SEC. 21. That no person in this state, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporal punishment under the military law.

SEC. 22. That no soldier in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in the manner prescribed by law.

SEC. 23. That the levying taxes by the poll is grievous and oppressive; therefore, the legislature shall never levy a poll tax for county or state purposes.

SEC. 24. That no hereditary emoluments, privileges, or honours, shall ever be granted or conferred by this state.

SEC. 25. That no law shall be passed to prevent the poor in the several counties and townships within this state, from an equal participation in the schools, academies, colleges, and universities, within this state, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies and universities, shall be open for the reception of scholars, students, and teachers, of every grade, without any distinction or preference whatever, contrary to the intent for which the said donations were made.

SEC. 26. That laws shall be passed by the legislature which shall secure to each and every denomination of religious societies, in each surveyed township, which now is, or may hereafter be formed in the state, an equal participation, according to their number of adherents, of the profits arising from the land granted by congress for the support of religion, agreeably to the ordinance or act of congress making the appropriation.

SEC. 27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and other purposes.

SEC. 28. To guard against the transgressions of the high powers which we have delegated, we declare, that all powers not hereby delegated remain with the people.

SCHEDULE.

SEC. 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent state government, it is declared by this convention thall all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

SEC. 2. All fines, penalties, and forfeitures, due and owing to the territory of the United States north west of the river Ohio, shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity in the territory, shall pass over to the governor, or the other officers of the state, and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

SEC. 3. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

SEC. 4. All laws and parts of laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature, except so much of the act entitled "An act regulating the admission and practice of attorneys and counsellors at law;" and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practised as an attorney at law, before he can be admitted to the degree of a counsellor at law.

SEC. 5. The governor of the state shall make use of his private seal, until a state seal be procured.

SEC. 6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor,

members of the general assembly, sheriffs, and coroners, at the respective election districts in each county, on the second Tuesday of January next, which elections shall be conducted in the manner prescribed by the existing election laws of this territory; and the members of the general assembly, sheriffs, and coroners, then elected, shall continue to exercise the duties of their respective offices until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

SEC. 7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to four senators and eight representatives; the county of Clermont one senator and two representatives; the county of Adams one senator and three representatives; the county of Ross two senators and four representatives; the county of Fairfield one senator and two representatives; the county of Washington two senators and three representatives; the county of Belmont one senator and two representatives; the county of Jefferson two senators and four representatives; and the county of Trumbull one senator and two representatives.

Done in convention, at Chillicothe, on the 29th day of November, in the year of our Lord 1802, and of the Independence of the United States of America the 27th.

In testimony whereof, we have hereunto subscribed our names.

EDWARD TIFFIN, *President.*

Attest, THO. SCOTT, *Secretary.*

OHIO.

Wherein is vested the legislative authority of the state of Ohio?

I. 1.

Of how many members may the house of representatives consist?

I. 2.

When shall the representatives be chosen? I. 3.

What are the qualifications requisite for a representative? I. 4.

How are the senators elected? I. 5.

- Of how many members shall the senate consist? I. 6.
What are the qualifications for a senator? I. 7.
What is a quorum for business? I. 8.
Must each house keep a journal of its proceedings and publish it? I. 9.
How are vacancies in the representation filled? I. 12.
What are the privileges of the members? I. 13.
Where may bills originate? I. 16.
How are they passed into laws? I. 17.
What are the salaries of the members and of the officers? I. 19.
How are impeachments made and tried? I. 23.
When must the legislature convene? I. 25.
What are the qualifications for county officers? I. 27.
Wherein is the supreme executive power of this state vested?
II. 1.
How, when, where and by whom is the governor elected? II. 2.
How long may the governor retain his office? II. 3.
Is he constantly eligible? II. 3.
What are his principal duties? II. 4—11.
In his absence who fills his chair? II. 12.
How is the secretary of state appointed, and for how long? II. 16.
Wherein is vested the judicial power of this state? III. 1.
Into how many circuits is the state divided? III. 3.
Who is the president of the courts? III. 3.
To how many associates is each president entitled? III. 3.
How are the judges of the supreme court, and the president and associates of the court of common pleas, appointed? III. 8.
Who appoints the clerks of courts and for how long? III. 9.
How often is the supreme court held in each county? III. 10.
How do justices of the peace obtain that office, and how long hold it? III. 11.
What are the qualifications for an elector? IV. 1.
How are elections conducted? IV. 2.
What are the privileges of electors? IV. 3.
How are the militia offices distributed? V. 1—7.
When, where and by whom are the sheriffs and coroners elected?
VI. 1.
How are the state treasurer and auditor appointed? VI. 2.
What are the regulations for the prevention of bribery? VII. 2.
How large must the counties be? VI. 3.
How are amendments to this constitution made? VII. 5.

CONSTITUTION OF INDIANA.

We, the representatives of the people of the territory of Indiana, in convention met, at Corydon, on Monday the 10th day of June, in the year of our Lord eighteen hundred and sixteen, and of the independence of the United States the fortieth, having the right of admission into the general government, as a member of the Union, consistent with the constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seyen, and the law of Congress, entitled, "An act to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states;" in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of *The State of Indiana*.

ARTICLE I.

SEC. 1. That the general, great, and essential principles of liberty and free government may be recognised and unalterably established, we declare: That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; among which are the enjoying and defending life and liberty, and of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

SEC. 2. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, they have at all times, an unalienable and indefeasible right to alter or reform their government in such manner as they may deem proper.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent: that no human authority can, in any case whatever, control or interfere with the rights of conscience: and that no preference shall ever be given by law to any religious societies or modes of worship; and no religious test shall be required as a qualification to any office of trust or profit.

SEC. 4. That elections shall be free and equal.

SEC. 5. That in all civil cases, where the value in controversy shall exceed the sum of twenty dollars, and in all criminal cases, except in petit misdemeanors, which shall be punishable by fine only, not exceeding three dollars, in such manner as the legislature may prescribe by law, the right of trial by jury shall remain inviolate.

SEC. 6. That no power of suspending the operation of the laws shall be exercised, except by the legislature or its authority.

SEC. 7. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without a just compensation being made therefor.

SEC. 8. The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

SEC. 9. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may

freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

SEC. 10. In prosecutions for the publications of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for the public information, the truth thereof may be given in evidence: and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 11. That all courts shall be open, and every person, for injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

SEC. 12. That no person arrested or confined in gaol shall be treated with unnecessary rigour, or to be put to answer any criminal charge, but by presentment, indictment, or impeachment.

SEC. 13. That, in all criminal prosecutions, the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, nor shall be twice put in jeopardy for the same offence.

SEC. 14. That all persons shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety may require it.

SEC. 15. Excessive bail shall not be required; excessive fines shall not be imposed; nor cruel and unusual punishments inflicted.

SEC. 16. All penalties shall be proportioned to the nature of the offence.

SEC. 17. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

SEC. 18. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, nor forfeiture of estate.

SEC. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for a redress of grievances.

SEC. 20. That the people have a right to bear arms for the defence of themselves and the state; and that the military shall be kept in strict subordination to the civil power.

SEC. 21. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

SEC. 22. That the legislature shall not grant any title of nobility or hereditary distinctions; nor create any office, the appointment to which shall be for a longer term than good behaviour.

SEC. 23. That emigration from the state shall not be prohibited.

SEC. 24. To guard against any encroachments on the rights herein retained, we declare that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolable.

ARTICLE II.

The powers of the government of Indiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are

executive, to another; and those which are judiciary, to another: And no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III. '

SEC. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

SEC. 2. The general assembly may, within two years after their first meeting, and shall, in the year eighteen hundred and twenty, and every subsequent term of five years, cause an enumeration to be made of all the white male inhabitants above the age of twenty-one years. The number of representatives shall, at the several periods of making such enumerations, be fixed by the general assembly, and apportioned among the several counties according to the number of white male inhabitants, above twenty-one years of age in each; and shall never be less than twenty-five, nor greater than thirty-six, until the number of white male inhabitants above twenty-one years of age, shall be twenty-two thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed one hundred.

SEC. 3. The representatives shall be chosen annually, by the qualified electors of each county respectively, on the first Monday of August.

SEC. 4. No person shall be a representative, unless he shall have attained the age of twenty-one years, and shall be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen, one year next preceding his election, if the county shall have been so long erected; but if not, then within the limits of the county or counties out of which it shall have been taken, unless he shall have been absent on the public

business of the United States or of this state, and shall have paid a state or county tax.

SEC. 5. The senators shall be chosen for three years, on the first Monday in August, by the qualified voters for representatives; and, on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or districts, as near as can be, into three classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and the second class at the expiration of the second year, and of the third class at the expiration of the third year; so that one third thereof, as near as possible, may be annually chosen forever thereafter.

SEC. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the general assembly, and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants, of the age of twenty-one years, in each, and shall never be less than one third nor more than one half of the number of representatives.

SEC. 7. No person shall be a senator unless he shall have attained the age of twenty-five years, and shall be a citizen of the United States; and shall, next preceding the election, have resided two years in the state, the last twelve months of which, in the county or district in which he may be elected, if the county or district shall have been so long erected: but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken; unless he shall have been absent on the public business of the United States or this state, and shall moreover have paid a state or county tax.

SEC. 8. The house of representatives, when assembled, shall choose a speaker and its other officers; and the senate shall choose its officers, except the president; and each shall be judges of the qualifications and elections of its members, and sit upon its own adjournments; two thirds of each house shall constitute a quorum to do

business; but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 9. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members, on any question, shall, at the request of any two of them, be entered on the journals.

SEC. 10. Any member of either house shall have liberty to dissent from and protest against any act or resolution which he may think injurious to the public, or any individual or individuals, and have the reason of his dissent entered on the journals.

SEC. 11. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

SEC. 12. When vacancies happen in either branch of the general assembly, the governor, or the person exercising the power of governor, shall issue writs of election to fill such vacancies..

SEC. 13. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to or returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

SEC. 14. Each house may punish by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence: Provided such imprisonment shall not, at any one time, exceed twenty-four hours.

SEC. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, may require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place *than that in which the two houses shall be sitting.*

SEC. 16. Bills may originate in either house, but may be altered, amended, or rejected, by the other.

SEC. 17. Every bill shall be read on three different days in each house, unless, in case of urgency, two thirds of the house where such bill may be depending shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the president and speaker of their respective houses.

SEC. 18. The style of the laws of this state shall be, "*Be it enacted by the general assembly of the state of Indiana.*"

SEC. 19. All bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject, as in other bills.

SEC. 20. No person holding any office under the authority of the president of the United States, or of this state, militia officers excepted, shall be eligible to a seat in either branch of the general assembly, unless he resign his office previous to his election; nor shall any member of either branch of the general assembly, during the time for which he is elected, be eligible to any office, the appointment of which is vested in the general assembly: Provided, that nothing in this constitution shall be so construed as to prevent any member of the first session of the first general assembly from accepting any office that is created by this constitution, or the constitution of the United States, and the salaries of which are established.

SEC. 21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 22. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every annual session of the general assembly.

SEC. 23. The house of representatives shall have the sole power of impeaching, but a majority of all the members elected must concur in such impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath

or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of a majority of all the senators elected.

SEC. 24. The governor, and all civil officers of the state, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honour, profit, or trust under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SEC. 25. The first session of the general assembly shall commence on the first Monday of November next; and forever after, the general assembly shall meet on the first Monday in December in every year, and at no other period, unless directed by law, or provided for by this constitution.

SEC. 26. No person who hereafter may be a collector or holder of public money shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable.

ARTICLE IV.

SEC. 1. The supreme executive power of this state shall be vested in a governor, who shall be styled the governor of the state of Indiana.

SEC. 2. The governor shall be chosen by the qualified electors on the first Monday in August, at the places where they shall respectively vote for representatives thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall open and publish them in presence of both houses of the general assembly; the person having the highest number of votes shall be governor: but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the mem-

bers of both houses. Contested elections shall be determined by a committee to be selected from both houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

SEC. 3. The governor shall hold his office during three years from and after the third day of the first session of the general assembly next ensuing his election, and until a successor shall be chosen and qualified; and shall not be capable of holding it longer than six years in any term of nine years.

SEC. 4. He shall be at least thirty years of age, and shall have been a citizen of the United States for ten years, and have resided in the state five years next preceding his election; unless he shall have been absent on the business of this state or of the United States. Provided, that this shall not disqualify any person from the office of governor, who shall be a citizen of the United States, and shall have resided in the Indiana territory two years next preceding the adoption of this constitution.

SEC. 5. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor or lieutenant governor.

SEC. 6. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 7. He shall be commander in chief of the army and navy of this state, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general assembly.

SEC. 8. He shall nominate, and, by and with the advice and consent of the senate, appoint and commission all officers, the appointment of which is not otherwise directed by this constitution; and all offices which may be created by the general assembly shall be filled in such manner as may be directed by law.

SEC. 9. Vacancies that may happen in offices, the appointment of which is vested in the governor and senate, or in the general assembly, shall be filled by the governor, during the recess of the general assembly, by granting commissions that shall expire at the end of the next session.

SEC. 10. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment.

SEC. 11. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 12. He shall, from time to time, give to the general assembly information of the affairs of the state, and recommend to their consideration such measures as he shall deem expedient.

SEC. 13. He may on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the time of the next annual session.

SEC. 14. He shall take care that the laws be faithfully executed.

SEC. 15. A lieutenant governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

SEC. 16. He shall, by virtue of his office, be president of the senate; have a right, when in committee of the whole, to debate, and vote on all subjects, and, when the senate are equally divided, to give the casting vote.

SEC. 17. In case of impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant govern-

or shall exercise all the powers and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached shall return or be acquitted.

SEC. 18. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their own members as president for that occasion. And if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the president of the senate pro tem. shall, in like manner, administer the government, until he shall be superseded by a governor or lieutenant governor. The lieutenant governor, while he acts as president of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more: And during the time he administers the government, as governor, shall receive the same compensation which the governor would have received and been entitled to had he been employed in the duties of his office, and no more.

SEC. 19. The president pro tempore of the senate, during the time he administers the government, shall receive, in like manner, the same compensation which the governor would have received had he been employed in the duties of his office, and no more.

SEC. 20. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary of state, for the time being, to convene the senate for the purpose of choosing a president pro tempore.

SEC. 21. A secretary of state shall be chosen by the joint ballot of both houses of the general assembly, and be commissioned by the governor, for four years or until a new secretary be chosen and qualified. He shall

keep a fair register, and attest all the official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law.

SEC. 22. Every bill which shall have passed both houses of the general assembly, shall be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it; if, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor, within five days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it; unless the general assembly, by its adjournment, prevents its return, in which case it shall be a law, unless sent back within three day after their next meeting.

SEC. 23. Every resolution, to which the concurrence of both houses may be necessary, shall be presented to the governor, and before it shall take effect, be approved by him; or, being disapproved; shall be repassed by a majority of all the members elected to both houses according to the rules and limitations prescribed in case of a bill.

SEC. 24. There shall be elected, by joint ballot of both houses of the general assembly, a treasurer, and auditor, whose powers and duties shall be prescribed by

law, and who shall hold their offices three years, and until their successors be appointed and qualified.

SEC. 25. There shall be elected in each county, by the qualified electors thereof, one sheriff and one coroner, at the times and places of holding elections for members of the general assembly. They shall continue in office two years, and until successors shall be chosen and duly-qualified: Provided, that no person shall be eligible to the office of sheriff more than four years in any term of six years.

SEC. 26. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called *the seal of the state of Indiana*.

ARTICLE V.

SEC. 1. The judiciary power of this state, both as to matters of law and equity, shall be vested in one supreme court, in circuit courts, and in such other inferior courts as the general assembly may, from time to time, direct and establish.

SEC. 2. The supreme court shall consist of three judges, any two of whom shall form a quorum, and shall have appellate jurisdiction only, which shall be co-extensive with the limits of the state, under such restrictions and regulations, not repugnant to this constitution, as may, from time to time, be prescribed by law: Provided, nothing in this article shall be so construed as to prevent the general assembly from giving the supreme court original jurisdiction in capital cases and cases in chancery, where the president of the circuit court may be interested or prejudiced.

SEC. 3. The circuit courts shall each consist of a president and two associate judges. The state shall be divided by law into three circuits, for each of which a president shall be appointed, who, during his continuance in office, shall reside therein. The president and associate judges, in their respective counties, shall have common law and chancery jurisdiction, as also complete criminal jurisdiction, in all such cases, and in such man-

ner, as may be prescribed by law. The president alone, in the absence of the associate judges, or the president and one of the associate judges, in the absence of the other shall be competent to hold a court, as also the two associate judges, in the absence of the president, shall be competent to hold a court, except in capital cases, and cases in chancery: Provided, that nothing herein contained shall prevent the general assembly from increasing the number of the circuits and presidents, as the exigencies of the state may, from time to time, require.

SEC. 4. The judges of the supreme court, the circuit and other inferior courts, shall hold their offices during the term of seven years, if they shall so long behave well, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 5. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state, as also the presidents of the circuit courts, in their respective circuits, and the associate judges in their respective counties.

SEC. 6. The supreme court shall hold its sessions at the seat of government, at such times as shall be prescribed by law: and the circuit courts shall be held in the respective counties as may be directed by law.

SEC. 7. The judges of the supreme court shall be appointed by the governor, by and with the advice and consent of the senate. The presidents of the circuit courts shall be appointed by joint ballot of both branches of the general assembly: and the associate judges of the circuit courts shall be elected by the qualified electors in the respective counties.

SEC. 8. The supreme court shall appoint its own clerk; and the clerks of the circuit court, in the several counties, shall be elected by the qualified electors in the several counties; but no person shall be eligible to the office of clerk of the circuit court, in any county, unless he shall first have obtained from one or more of the

judges of the supreme court or from one or more of the presidents of the circuit courts, a certificate that he is qualified to execute the duties of the office of clerk of the circuit court: Provided, that nothing herein contained shall prevent the circuit courts in each county from appointing a clerk pro tem. until a qualified clerk may be duly elected: And provided also, that the said clerks respectively, when qualified and elected, shall hold their offices seven years, and no longer, unless reappointed.

SEC. 9. All clerks shall be removable by impeachment, as in other cases.

SEC. 10. When any vacancies happen in any of the courts, occasioned by the death, resignation, or removal from office, of any judge of the supreme or circuit courts, or any of the clerks of the said courts, a successor shall be appointed in the same manner as herein before prescribed, who shall hold his office for the period which his predecessor had to serve, and no longer, unless reappointed.

SEC. 11. The style of all process shall be, The State of Indiana. All prosecutions shall be carried on in the name and by the authority of the state of Indiana; and all indictments shall conclude, against the peace and dignity of the same.

SEC. 12. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office five years, if they shall so long behave well; whose powers and duties shall, from time to time, be regulated and defined by law.

ARTICLE VI.

SEC. 1. In all elections not otherwise provided for by this constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who has resided in the state one year immediately preceding such election, shall be entitled to vote in the coun-

ty where he resides, except such as shall be enlisted in the army of the United States, or their allies.

SEC. 2. All elections shall be by ballot: Provided, that the general assembly may, (if they deem it more expedient,) at their session in eighteen hundred and twenty one, change the mode, so as to vote *virâ voce*; after which time it shall remain unalterable.

SEC. 3. Electors shall, in all cases except treason, felony, or breach of the peace, be free from arrest in going to, during their attendance at, and in returning home from, elections.

SEC. 4. The general assembly shall have full power to exclude from electing, or being elected, any person convicted of any infamous crime.

SEC. 5. Nothing in this article shall be so construed as to prevent citizens of the United States, who were actual residents at the time of adopting this constitution, and who, by the existing laws of this territory, are entitled to vote, or persons who have been absent from home on a visit or necessary business, from the privileges of electors.

ARTICLE VII.

SEC. 1. The militia of the state of Indiana shall consist of all free, able-bodied male persons, (negroes, mulattoes, and Indians excepted,) resident in the said state, between the ages of eighteen and forty-five years; except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this state; and shall be armed, equipped, and trained, as the general assembly may provide by law.

SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty: Provided, such person or persons shall pay an equivalent for such exemption; which equivalent shall be collected annually, by a civil officer, and be hereafter fixed by law; and shall be equal as near as may be, to the lowest fines assessed on those privates in militia who may neglect or refuse to perform militia duty.

SEC. 3. Captains and subalterns shall be elected by those persons in their respective company districts who are subject to perform militia duty; and the captain of each company shall appoint the non-commissioned officers to said company.

SEC. 4. Majors shall be elected by those persons within the bounds of their respective battalion districts, subject to perform militia duty; and colonels shall be elected by those persons within the bounds of their respective regimental districts, subject to perform militia duty.

SEC. 5. Brigadiers general shall be elected by the commissioned officers within the bounds of their respective brigades; and majors general shall be elected by the commissioned officers within the bounds of their respective divisions.

SEC. 6. Troops and squadrons of cavalry and companies of artillery, riflemen, grenadiers, or light infantry, may be formed in the said state, in such manner as shall be prescribed by law: Provided, however, that every troop or squadron of cavalry, company of artillery, riflemen, grenadiers, or light infantry, which may hereafter be formed within the said state, shall elect their own officers.

SEC. 7. The governor shall appoint the adjutant general and quarter master general, as also his aids-de-camp.

SEC. 8. Majors general shall appoint their aids-de-camp, and all other division staff-officers; brigadiers general shall appoint their brigade majors, and all other brigade staff officers: and colonels shall appoint their regimental staff-officers.

SEC. 9. All militia officers shall be commissioned by the governor, and shall hold their commissions during good behaviour, or until they shall arrive at the age of sixty years.

SEC. 10. The general assembly shall, by law, fix the method of dividing the militia of the state into divisions,

brigades, regiments, battalions, and companies, and shall also fix the ranks of all staff-officers.

ARTICLE VIII.

Every twelfth year after this constitution shall have taken effect, at the general election held for governor, there shall be a poll opened, in which the qualified electors of the state shall express, by vote, whether they are in favour of calling a convention or not; and if there should be a majority of all the votes given at such election, in favour of a convention, the governor shall inform the next general assembly thereof, whose duty it shall be to provide by law for the election of the members to the convention, the number thereof, and the time and place of their meeting; which law shall not be passed unless agreed to by a majority of all the members elected to both branches of the general assembly; and which convention, when met, shall have it in their power to revise, amend, or change the constitution. But, as the holding any part of the human creation in slavery, or involuntary servitude, can only originate in usurpation and tyranny, no alteration of this constitution shall ever take place so as to introduce slavery or involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.

ARTICLE IX.

SEC. 1. Knowledge and learning generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to this end, it shall be the duty of the general assembly to provide by law for the improvement of such lands as are, or hereafter may be, granted by the United States to this state, for the use of schools, and to apply any funds which may be raised from such lands, or from any other quarter, to the accomplishment of the grand ob-

ject for which they are or may be intended. But no lands granted for the use of schools or seminaries of learning shall be sold, by authority of this state, prior to the year eighteen hundred and twenty; and the monies which may be raised out of the sale of any such lands, or otherwise obtained for the purposes aforesaid, shall be and remain a fund for the exclusive purpose of promoting the interest of literature and the sciences, and for the support of seminaries and the public schools. The general assembly shall, from time to time, pass such laws as shall be calculated to encourage intellectual, scientific, and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, sciences, commerce, manufactures, and natural history; and to countenance and encourage the principles of humanity, industry and morality.

SEC. 2. It shall be the duty of the general assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in a regular gradation from township schools to a state university, wherein tuition shall be gratis, and equally open to all.

SEC. 3. And for the promotion of such salutary end, the money, which shall be paid as an equivalent, by persons exempt from militia duty, except in times of war, shall be exclusively, and in equal proportions, applied to the support of county seminaries; also, all fines assessed for any breach of the penal laws, shall be applied to said seminaries, in the counties wherein they shall be assessed.

SEC. 4. It shall be the duty of the general assembly, as soon as circumstances will permit, to form a penal code, founded on the principles of reformation, and not of vindictive justice: And also to provide one or more farms, to be an asylum for those persons who, by reason of age, infirmity, or other misfortunes, may have a claim upon the aid and beneficence of society, on such principles that such persons may therein find employment and every reasonable comfort, and lose, by their usefulness, the degrading sense of dependence.

SEC. 5. The general assembly, at the time they lay off a new county, shall cause at least ten per cent. to be reserved out of the proceeds of the sale of town lots, in the seat of justice of such county, for the use of a public library for such county; and at the same session they shall incorporate a library company, under such rules and regulations as will best secure its permanence, and extend its benefits.

ARTICLE X.

There shall not be established or incorporated in this state any bank or banking company, or monied institution, for the purpose of issuing bills of credit, or bills payable to order or bearer: Provided, that nothing herein contained shall be so construed as to prevent the general assembly from establishing a state bank, and branches, not exceeding one branch for any three counties, to be established at such place within such counties as the directors of the state bank may select; provided there be subscribed and paid in specie, on the part of individuals, a sum equal to thirty thousand dollars: Provided also, that the bank at Vincennes, and the Farmers' and Mechanics' bank of Indiana, at Madison, shall be considered as incorporated banks, according to the true tenor of the charters granted to said banks by the legislature of the Indiana territory: Provided, that nothing herein contained shall be so construed as to prevent the general assembly from adopting either of the aforesaid banks, as the state bank; and in case either of them shall be adopted as the state bank, the other may become a branch, under the rules and regulations herein before prescribed.

ARTICLE XI.

SEC. 1. Every person who shall be chosen or appointed to any office of trust or profit under the authority of this state, shall, before entering on the duties of said office, take an oath or affirmation, before any person lawfully authorized to administer oaths, to support the con-

stitution of the United States, and the constitution of this state, and also an oath of office.

SEC. 2. Treason against this state shall consist only in levying war against it, in adhering to its enemies, or giving them aid and comfort.

SEC. 3. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 4. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed the most solemn appeal to God.

SEC. 5. Every person shall be disqualified from serving as governor, lieutenant governor, senator, or representative, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe, treat, or reward, to procure his election.

SEC. 6. All officers shall reside within the state; and all district, county, or town officers within their respective districts, counties, or towns, (the trustees of the town of Clarksville excepted,) and shall keep their respective offices at such places therein as may be directed by law; and all militia officers shall reside within the bounds of the division, brigade, regiment, battalion, or company, to which they may severally belong.

SEC. 7. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the bounds of this state, be of any validity within the state.

SEC. 8. No act of the general assembly shall be in force until it shall have been published in print, unless in cases of emergency.

SEC. 9. All commissions shall be in the name and by the authority of the state of Indiana, and sealed with the state seal, and signed by the governor, and attested by the secretary of state.

SEC. 10. There shall be elected in each county a recorder, who shall hold his office during the term of seven years, if he shall so long behave well: Provided, that nothing herein contained shall prevent the clerks of the circuit courts from holding the office of recorder.

SEC. 11. Corydon, in Harrison county, shall be the seat of government of the state of Indiana, until the year eighteen hundred and twenty-five, and until removed by law.

SEC. 12. The general assembly, when they lay off any new county, shall not reduce the old county or counties from which the same shall be taken, to a less content than four hundred square miles.

SEC. 13. No person shall hold more than one lucrative office at the same time, except as in this constitution expressly permitted.

SEC. 14. No person shall be appointed as a county officer within any county, who shall not have been a citizen and an inhabitant therein one year next preceding his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SEC. 15. All town and township officers shall be appointed in such manner as shall be directed by law.

SEC. 16. The following officers of government shall not be allowed greater annual salaries, until the year eighteen hundred and nineteen, than as follows: the governor, one thousand dollars; the secretary of state, four hundred dollars; the auditor of public accounts, four hundred dollars; the treasurer, four hundred dollars; the judges of the supreme court, eight hundred dollars each; the presidents of the circuit courts, eight hundred dollars each; and the members of the general assembly, not exceeding two dollars per day, each, during their attendance on the same: and two dollars for every twenty-five miles they shall severally travel, on the most usual route, in going to, and returning from, the general assembly; after which time, their pay shall be regulated

by law. But no law, passed to increase the pay of the members of the general assembly, shall take effect until after the close of the session at which such law shall have been passed.

SEC. 17. In order that the boundaries of the state of Indiana may more clearly be known and established, it is hereby ordained and declared, that the following shall be and forever remain the boundaries of the said state, to wit: Bounded on the east, by the meridian line which forms the western boundary of the state of Ohio; on the south, by the Ohio river, from the mouth of the Great Miami river to the mouth of the river Wabash; on the west, by a line drawn along the middle of the Wabash river, from its mouth to a point where a due north line drawn from the town of Vincennes, would last touch the north-western shore of the said Wabash river; and from thence, by a due north line, until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of lake Michigan, on the north, by the said east and west line until the same shall intersect the first mentioned meridian line, which forms the western boundary of the state of Ohio.

ARTICLE XII.

SEC. 1. That no evils or inconvenience may arise from the change of a territorial government to a permanent state government, it is declared, by this constitution, that all rights, suits, actions, prosecutions, recognisances, contracts, and claims, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

SEC. 2. All fines, penalties, and forfeitures, due and owing to the territory of Indiana, or any county therein, shall inure to the use of the state or county. All bonds executed to the governor, or any other officer, in his official capacity, in the territory, shall pass over to the governor or other officers of the state or county, and their successors in office, for the use of the state or county, or

by him or them to be respectively assigned over to the use of those concerned, as the case may be.

SEC. 3. The governor, secretary, and judges, and all other officers, both civil and military, under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution.

SEC. 4. All laws and parts of laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full force and effect, until they expire, or be repealed.

SEC. 5. The governor shall use his private seal until a state seal be procured.

SEC. 6. The governor, secretary of state, auditor of public accounts, and treasurer, shall severally reside and keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government: Provided, notwithstanding, that nothing herein contained shall be so construed as to affect the residence of the governor for the space of six months, and until buildings suitable for his accommodation shall be procured, at the expense of the state.

SEC. 7. All suits, pleas, complaints, and other proceedings, now depending in any court of record, or justices courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, injunction, or other proceedings whatever, shall progress, and be carried on, in the respective court or courts, in the same manner as is now provided by law, and all proceedings had therein, in as full and complete a manner as if this constitution were not adopted. And appeals and writs of error may be taken from the circuit court and general court, now established in the Indiana territory, to the supreme court, in such manner as shall be provided for by law.

SEC. 8. The president of this convention shall issue writs of election, directed to the several sheriffs of the several counties, requiring them to cause an election to be held for governor, lieutenant governor, representa-

tive to the congress of the United States, members of the general assembly, sheriffs, and coroners, at the respective election districts in each county, on the first Monday in August next: which election shall be conducted in the manner prescribed by the existing election laws of the Indiana territory; and the said governor, lieutenant governor, members of the general assembly, sheriffs, and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time prescribed by this constitution, and until their successor or successors are qualified, and no longer.

SEC. 9. Until the first enumeration shall be made, as directed by this constitution, the county of Wayne shall be entitled to one senator and three representatives; the county of Franklin, one senator and three representatives; the county of Dearborn, one senator and two representatives; the county of Switzerland one representative; and the county of Jefferson and Switzerland, one senator; and the county of Jefferson, two representatives; the county of Clark, one senator and three representatives; the county of Harrison, one senator and three representatives; the counties of Washington, Orange, and Jackson, one senator, and the county of Washington, two representatives; the counties of Orange and Jackson, one representative each; the county of Knox, one senator and three representatives; the county of Gibson, one senator and two representatives; the counties of Posey, Warrick, and Perry, one senator, and each of the aforesaid counties of Posey, Warrick, and Perry, one representative.

SEC. 10. All books, records, documents, warrants, and papers, appertaining and belonging to the office of territorial treasurer of the Indiana territory, and all monies therein, and all papers and documents in the office of the secretary of said territory, shall be disposed of as the general assembly of this state may direct.

SEC. 11. All suits, actions, pleas, complaints, prosecutions, and causes whatsoever, and all records, books, papers, and documents, now in the general court, may be

transferred to the supreme court established by this constitution: And all causes, suits, actions, pleas, complaints, and prosecutions whatsoever, now existing or pending in the circuit courts of this territory, or, which may be therein at the change of government, and all records, books, papers, and documents, relating to the said suits, or filed in the said courts, may be transferred over to the circuit courts established by this constitution, under such rules and regulations as the general assembly may direct.

Done in convention, at Corydon, on the twenty-ninth day of June, in the year of our Lord eighteen hundred and sixteen, and of the Independence of the United States the fortieth.

In witness whereof, we have hereunto subscribed our names.

JONATHAN JENNINGS,
President of the Convention.

Attest, **WILLIAM HENDRICKS,** *Secretary.*

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CONSTITUTION OF ILLINOIS.

The constitution of the state of Illinois, adopted in convention, at Kaskaskia, on the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.

The people of the Illinois territory, having the right of admission into the general government, as a member

of the Union; consistent with the constitution of the United States, the ordinance of Congress of 1787, and the law of Congress "approved April 18th, 1818," entitled "an act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to themselves and their posterity, do, by their representatives in convention, ordain and establish the following constitution or form of government; and do mutually agree with each other to form themselves into a free and independent state, by the name of The State of Illinois. And they do hereby ratify the boundaries assigned to such state by the act of congress aforesaid, which are as follows, to wit: beginning at the mouth of the Wabash river, thence, up the same, and with the line of Indiana, to the north-west corner of said state; thence, east, with the line of the same state, to the middle of lake Michigan; thence, north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence, west, to the middle of the Mississippi river; and thence, down, along the middle of that river, to its confluence with the Ohio river; and thence, up the latter river, along its north-western shore, to the beginning.

ARTICLE I.

Concerning the distribution of the powers of Government.

SEC. 1. The powers of the government of the state of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative to one; those which are executive, to another; and those which are judiciary, to another.

SEC. 2. No person, or collection of persons, being one of those departments, shall exercise any power properly

belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE II.

SEC. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

SEC. 2. The first election for senators and representatives shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday in August, one thousand eight hundred and twenty; and forever after, elections shall be held once in two years, on the first Monday of August, in each and every county, at such places therein as may be provided by law.

SEC. 3. No person shall be a representative who shall not have attained the age of twenty-one years, who shall not be a citizen of the United States, and an inhabitant of this state; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States or of this state; and who moreover shall not have paid a state or county tax.

SEC. 4. The senators, at their first session herein provided for, shall be divided by lot from their respective counties or districts, as near as can be, into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; and those of the second class at the expiration of the fourth year, so that one half thereof, as near as possible, may be biennially chosen forever thereafter.

SEC. 5. The number of senators and representatives shall, at the first session of the general assembly, be

after the returns herein provided for are made, be fixed by the general assembly, and apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. The number of representatives shall not be less than twenty-seven, nor more than thirty-six, until the number of inhabitants within this state shall amount to one hundred thousand; and the number of senators shall never be less than one third nor more than one half of the number of representatives.

SEC. 6. No person shall be a senator who has not arrived at the age of twenty-five years, who shall not be a citizen of the United States, and who shall not have resided one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken; unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax.

SEC. 7. The senate and house of representatives, when assembled, shall each choose a speaker, and other officers, (the speaker of the senate excepted:) each house shall judge of the qualifications and elections of its members, and sit upon its own adjournments. Two thirds of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 8. Each house shall keep a journal of its proceedings and publish them; the yeas and nays of its members on any question shall, at the desire of any two of them, be entered on the journals.

SEC. 9. Any two members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reasons of their dissent entered on the journals.

SEC. 10. Each house may determine the rules of its

proceedings, punish its members for disorderly behaviour; and, with the concurrence of two thirds, expel a member, but not a second time for the same cause.

SEC. 11. When vacancies happen in either house, the governor, or the person exercising the powers of the governor, shall issue writs of election to fill such vacancies.

SEC. 12. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

SEC. 13. Each house may punish, by imprisonment, during its session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence: Provided, such imprisonment shall not, at any one time, exceed twenty-four hours.

SEC. 14. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

SEC. 15. Bills may originate in either house, but may be altered, amended, or rejected, by the other.

SEC. 16. Every bill shall be read on three different days in each house, unless, in case of urgency, three fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speakers of their respective houses.

SEC. 17. The style of the laws of this state shall be, "*Be it enacted by the people of the state of Illinois, represented in the general assembly.*"

SEC. 18. The general assembly of this state shall not allow the following officers of government greater or smaller annual salaries than as follows, until the year one thousand eight hundred and twenty-four: the go-

vernor one thousand dollars; and the secretary of state, six hundred dollars.

SEC. 19. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time.

SEC. 20. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 21. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at the rising of each session of the general assembly.

SEC. 22. The house of representatives shall have the sole power of impeaching, but a majority of all the members present must concur in an impeachment. All impeachments shall be tried by the senate, and when sitting for the purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two thirds of all the senators present.

SEC. 23. The governor, and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, profit or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SEC. 24. The first session of the general assembly shall commence on the first Monday of October next, and forever after, the general assembly shall meet on the first Monday in December next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

SEC. 25. No judges of any court of law or equity, secretary of state, attorney-general, attorney for the state, register, clerk of any court of record, sheriff, or collector, member of either house of congress, or person holding

any lucrative office under the United States or this state, (provided that appointments in the militia, post-masters, or justices of the peace, shall not be considered lucrative offices,) shall have a seat in the general assembly: nor shall any person holding an office of honour or profit under the government of the United States, hold any office of honour or profit under the authority of this state.

SEC. 26. Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering upon the duties thereof, take an oath to support the constitution of the United States, and of this state, and also an oath of office.

SEC. 27. In all elections, all white male inhabitants, above the age of twenty-one years, having resided in the state six months next preceding the election, shall enjoy the right of an elector: but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

SEC. 28. All votes shall be given, viva voce, until altered by the general assembly.

SEC. 29. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

SEC. 30. The general assembly shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 31. In the year one thousand eight hundred and twenty, and every fifth year thereafter, an enumeration of all the white inhabitants of the state shall be made, in such manner as shall be directed by law.

SEC. 32. All bills for raising a revenue shall originate in the house of representatives, subject, however, to amendment or rejection, as in other cases.

ARTICLE III.

SEC. 1. The executive power of this state shall be vested in a governor.

SEC. 2. The first election of governor shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday of August, in the year of our Lord one thousand eight hundred and twenty-two. And forever after, elections for governor shall be held once in four years, on the first Monday of August. The governor shall be chosen by the electors of the members of the general assembly, at the same places and in the same manner that they shall respectively vote for members thereof. The returns for every election of governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. 3. The first governor shall hold his office until the first Monday of December, in the year of our Lord one thousand eight hundred and twenty-two, and until another governor shall be elected and qualified to office; and forever after, the governor shall hold his office for the term of four years, and until another governor shall be elected and qualified; but he shall not be eligible for more than four years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States thirty years; two years of which, next preceding his election, he shall have resided within the limits of this state.

SEC. 4. He shall, from time to time, give the general assembly information of the state of the government and recommend to their consideration such measures as he shall deem expedient.

SEC. 5. He shall have power to grant reprieves and pardons after conviction, except in cases of impeachment.

SEC. 6. The governor shall at stated times receive a salary for his services, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. When any officer, the right of whose appointment is, by this constitution, vested in the general assembly, or in the governor and senate, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly.

SEC. 9. He may, on extraordinary occasions, convene the general assembly, by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened.

SEC. 10. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SEC. 11. There shall be elected in each and every county in the said state by those who are qualified to vote for members of the general assembly, and at the same times and places where the election for such members shall be held, one sheriff and one coroner, whose election shall be subject to such rules and regulations as shall be prescribed by law. The said sheriffs and coroners respectively, when elected, shall continue in office two years, be subject to removal and disqualification and such other rules and regulations as may be from time to time prescribed by law.

SEC. 12. In case of disagreement between the two houses, with respect to the time of adjournment, the governor shall have the power to adjourn the general assem-

bly to such time as he thinks proper, provided it be not to a period beyond the next constitutional meeting of the same.

SEC. 13. A lieutenant governor shall be chosen at every election for governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

SEC. 14. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole to debate and vote on all subjects, and whenever the senate are equally divided, to give the casting vote.

SEC. 15. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker for that occasion. And if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign, or die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

SEC. 16. The lieutenant governor, while he acts as speaker of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, he shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

SEC. 17. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary for the time being to convene the senate for the purpose of choosing a speaker.

SEC. 18. In case of an impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant go-

vernor shall exercise all the power and authority appertaining to the office of governor, until the time pointed out by this constitution for the election of governor shall arrive, unless the general assembly shall provide by law for the election of a governor to fill such vacancy.

SEC. 19. The governor, for the time being, and the judges of the supreme court, or a major part of them, together with the governor, shall be and are hereby constituted a council to revise all bills about to be passed into laws by the general assembly; and for that purpose shall assemble themselves from time to time, when the general assembly shall be convened; for which, nevertheless, they shall not receive any salary or consideration, under any pretence whatever; and all bills which have passed the senate and house of representatives, shall, before they become laws, be presented to the said council for their revisal and consideration; and if, upon such revisal and consideration, it should appear improper to the said council, or a majority of them, that the bill should become a law of this state, they shall return the same, together with their objections thereto, in writing, to the senate or house of representatives, (in whichever the same shall have originated) who shall enter the objections set down by the council, at large, in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, by a majority of the whole number of members elected, it shall, together with the said objections, be sent to the other branch of the general assembly, where it shall also be reconsidered; and if approved by a majority of all the members elected, it shall become a law. If any bill shall not be returned within ten days after it shall have been presented, the same shall be a law; unless the general assembly shall, by their adjournment, render a return of the said bill, in ten days impracticable, in which case the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of the said ten days, or be a law.

SEC. 20. The governor shall nominate, and, by and with the advice and consent of the senate, appoint a secretary of state, who shall keep a fair register of the official acts of the governor, and, when required, shall lay the same, and all papers, minutes, and vouchers, relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law.

SEC. 21. The state treasurer, and public printer or printers for the state, shall be appointed biennially, by the joint vote of both branches of the general assembly: Provided, that during the recess of the same, the governor shall have power to fill such vacancies as may happen in either of said offices.

SEC. 22. The governor shall nominate, and, by and with the advice and consent of the senate, appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: Provided, however, that inspectors, collectors and their deputies, surveyors of the highways, constables, gaolers, and such inferior officers whose jurisdiction may be confined within the limits of the county, shall be appointed in such manner as the general assembly shall prescribe.

ARTICLE IV.

SEC. 1. The judicial power of this state shall be vested in one supreme court, and such inferior courts as the general assembly shall from time to time ordain and establish.

SEC. 2. The supreme court shall be holden at the seat of government, and shall have an appellate jurisdiction only, except in cases relating to the revenue, in cases of mandamus, and in such cases of impeachment as may be required to be tried before it.

SEC. 3. The supreme court shall consist of a chief justice and three associates, any two of whom shall form a quorum. The number of justices may, however, be

increased, by the general assembly, after the year one thousand eight hundred and twenty-four.

SEC. 4. The justices of the supreme court, and the judges of the inferior courts, shall be appointed by joint ballot of both branches of the general assembly, and commissioned by the governor, and shall hold their offices during good behaviour, until the end of the first session of the general assembly, which shall be begun and held after the first day of January, in the year of our Lord one thousand eight hundred and twenty-four, at which time their commission shall expire: and until the expiration of which time, the said justices respectively shall hold circuit courts in the several counties, in such manner, and at such times, and shall have and exercise such jurisdiction, as the general assembly shall by law prescribe. But ever after the aforesaid period, the justices of the supreme court shall be commissioned during good behaviour, and the justices thereof shall not hold circuit courts, unless required by law.

SEC. 5. The judges of the inferior courts shall hold their offices during good behaviour, but for any reasonable cause, which shall not be sufficient ground for impeachment, both the judges of the supreme and inferior courts shall be removed from office, on the address of two thirds of each branch of the general assembly: Provided, always, that no member of either house of the general assembly, nor any person connected with a member by consanguinity or affinity, shall be appointed to fill the vacancy occasioned by such removal. The said justices of the supreme court, during their temporary appointments, shall receive an annual salary of one thousand dollars, payable quarter-yearly out of the public treasury. The judges of the inferior courts, and the justices of the supreme court, who may be appointed after the end of the first session of the general assembly, which shall be begun and held after the first day of January, in the year of our Lord one thousand eight hundred and twenty-four, shall have adequate and com-

petent salaries, which shall not be diminished during their continuance in office.

SEC. 6. The supreme court, or a majority of the justices thereof, the circuit courts, or the justices thereof, shall respectively appoint their own clerks.

SEC. 7. All process, writs, and other proceeding, shall run in the name of "the people of the state of Illinois." All prosecutions shall be carried on in the name and by the authority of "the people of the state of Illinois," and conclude "against the peace and dignity of the same."

SEC. 8. A competent number of justices of the peace shall be appointed in each county, in such manner as the general assembly may direct, whose time of service, power, and duties, shall be regulated and defined by law. And justices of the peace, when so appointed, shall be commissioned by the governor.

ARTICLE V.

SEC. 1. The militia of the state of Illinois shall consist of all free male able-bodied persons, (negroes, mulattoes, and Indians, excepted) resident in the state, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this state and shall be armed, equipped, and trained, as the general assembly may provide by law.

SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

SEC. 3. Company, battalion, and regimental officers, staff-officers excepted, shall be elected by the persons composing their several companies, battalions, and regiments.

SEC. 4. Brigadier and majors general shall be elected by the officers of their brigades and divisions respectively.

SEC. 5. All militia officers shall be commissioned by

the governor, and may hold their commissions during good behaviour, or until they arrive at the age of sixty years.

SEC. 6. The militia shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters, and elections of officers, and in going to and returning from the same.

ARTICLE VI.

SEC. 1. Neither slavery nor involuntary servitude shall hereafter be introduced into this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration, received, or to be received, for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or, if made in this state, where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.

SEC. 2. No person bound to labour in any other state shall be hired to labour in this state, except within the tract reserved for the salt works, near Shawneetown; nor even at that place for a longer period than one year at any one time; nor shall it be allowed there after the year one thousand eight hundred and twenty-five: any violation of this article shall effect the emancipation of such person from his obligation to service.

SEC. 3. Each and every person who has been bound to service by contract or indenture, in virtue of the laws of the Illinois territory, heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattoes as have been registered in conformity with the afore-

said laws, shall serve out the time appointed by said laws: Provided, however, that the children hereafter born of such persons, negroes, or mulattoes, shall become free, the males at the age of twenty-one years, the females at the age of eighteen years. Each and every child born of indentured parents shall be entered with the clerk of the county in which they reside, by their owners, within six months after the birth or said child.

ARTICLE VII.

SEC. 1. Whenever two thirds of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors, at the next election of members of the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly, and which convention shall meet within three months after the said election, for the purpose of revising, altering, or amending, this constitution.

ARTICLE VIII.

That the general, great, and essential principles of liberty and free government may be recognised and unalterably established, we declare:

SEC. 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SEC. 2. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety, and happiness.

SEC. 3. That all men have a natural and indefeasible

right to worship Almighty God according to the dictates of their own consciences: that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent: that no human authority can, in any case whatever, control or interfere with the rights of conscience: and that no preference shall ever be given by law to any religious establishment or modes of worship.

SEC. 4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

SEC. 5. That elections shall be free and equal.

SEC. 6. That the right of the trial by jury shall remain inviolate.

SEC. 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 8. That no freeman shall be imprisoned or dis-seized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land. And all lands which have been granted as a common to the inhabitants of any town, hamlet, village, or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village, or corporation: and the said commons shall not be leased, sold, or divided, under any pretence whatever: Provided, however, that nothing in this section shall be so construed as to affect the commons of Cahokia or Prairie Dupont: Provided, also that the general assembly shall have power and authority to grant the same privilege to the inhabitants of the said villages of Cahokia and Prairie Dupont as

are hereby granted to the inhabitants of other towns, hamlets, and villages.

SEC. 9. That, in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favour; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; and that he shall not be compelled to give evidence against himself.

SEC. 10. That no person shall, for any indictable offence, be proceeded against criminally, by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanor in office.

SEC. 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb: nor shall any man's property be taken nor applied to public use without the consent of his representatives in the general assembly, nor without just compensation being made to him.

SEC. 12. Every person within this state ought to find a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it: completely, and without denial, promptly, and without delay, conformably to the laws.

SEC. 13. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it.

SEC. 14. All penalties shall be proportioned to the nature of the offence—the true design of all punishments *being* to reform, not to exterminate mankind.

SEC. 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

SEC. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, or forfeiture of estate.

SEC. 17. That no person shall be liable to be transported out of this state, for any offence committed within the same.

SEC. 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SEC. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

SEC. 20. That the mode of levying a tax shall be by valuation; so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession.

SEC. 21. That there shall be no other banks or monied institutions in this state, but those already provided by law, except a state bank and its branches, which may be established and regulated by the general assembly of the state, as they may think proper.

SEC. 22. The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

SEC. 23. In prosecutions for the publications of papers investigating the official conduct of officers or of men acting in a public capacity, or where the matter

published is proper for public information, the truth thereof may be given in evidence: and in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court, as in other cases.

SCHEDULE.

SEC. 1. That no inconveniences may arise from the change of a territorial to a permanent state government, it is declared by the convention that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government, in virtue of the laws now in force.

SEC. 2. All fines, penalties, and forfeitures, due and owing to the territory of Illinois, shall inure to the use of the state. All bonds executed to the governor, or to any other officer, in his official capacity, in the territory, shall pass over to the governor, or to the officers of the state, and their successors in office, for the use of the state, by him or by them to be respectively assigned over to the use of those concerned, as the case may be.

SEC. 3. No sheriff, or collector of public monies, shall be eligible to any office in this state, until they have paid over, according to law, all monies which they may have collected by virtue of their respective offices.

SEC. 4. There shall be elected in each county three county commissioners, for the purpose of transacting all county business, whose time of service, power, and duties, shall be regulated and defined by law.

SEC. 5. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution.

SEC. 6. The governor of this state shall make use of his private seal until a state seal shall be provided.

SEC. 7. The oaths of office herein directed to be taken, may be administered by any justice of the peace, until the general assembly shall otherwise direct.

SEC. 8. Until the first census shall be taken, as directed by this constitution, the county of Madison shall be entitled to one senator and three representatives; the county of St. Clair to one senator and three representatives; the county of Bond to one senator and one representative; the county of Washington to one senator and one representative; the county of Monroe to one senator and one representative; the county of Randolph to one senator and two representatives; the county of Jackson to one senator and one representative; the counties of Johnson and Franklin to form one senatorial district, and to be entitled to one senator, and each county to one representative; the county of Union to one senator and two representatives; the county of Pope to one senator and two representatives; the county of Gallatin to one senator and three representatives; the county of White to one senator and three representatives; the county of Edwards to one senator and two representatives; and the county of Crawford to one senator and two representatives.

SEC. 9. The president of the convention shall issue writs of election, directed to the several sheriffs of the several counties, or in case of the absence or disability of any sheriff, then to the deputy sheriff, and in case of the absence or disability of the deputy sheriff, then such writ to be directed to the coroner, requiring them to cause an election to be held for governor, lieutenant-governor, representative to the present congress of the United States, and members of the general assembly, and sheriffs and coroners in the respective counties; such election to commence on the third Thursday of September next, and to continue for that and the two succeeding days; and which election shall be conducted in the manner prescribed by the existing election laws of the Illinois territory; and the said governor, lieutenant governor, members of the general assembly, sheriffs, and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time

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prescribed by this constitution, and until their successor or successors are qualified, and no longer.

SEC. 10. An auditor of public accounts, an attorney-general, and such other officers for the state as may be necessary, may be appointed by the general assembly, whose duties may be regulated by law.

SEC. 11. It shall be the duty of the general assembly to enact such laws as may be necessary and proper to prevent the practice of duelling.

SEC. 12. All white male inhabitants, above the age of twenty-one years, who shall be actual residents of this state at the signing of this constitution, shall have a right to vote at the election to be held on the third Thursday, and the two following days, of September next.

SEC. 13. The seat of government for the state shall be at Kaskaskia, until the general assembly shall otherwise provide. The general assembly, at their first session holden under the authority of this constitution, shall petition the congress of the United States to grant to this state a quantity of land, to consist of not more than four nor less than one section, or to give to this state the right of pre-emption, in the purchase of the said quantity of land. The said land to be situated on the Kaskaskia river, and, as near as may be, east of the third principal meridian on said river. Should the prayer of such petition be granted, the general assembly, at their next session thereafter, shall provide for the appointment of five commissioners to make the selection of said land so granted; and shall further provide for laying out a town upon the land so selected; which town, so laid out, shall be the seat of government of this state for the term of twenty years. Should, however, the prayer of said petition not be granted, the general assembly shall have power to make such provision for a permanent seat of government as may be necessary, and shall fix the same where they may think best.

SEC. 14. Any person of thirty years of age, who is a citizen of the United States, and has resided within the

limits of this state two years next preceding his election, shall be eligible to the office of lieutenant-governor, any thing in the thirteenth section of the third article of this constitution contained, to the contrary notwithstanding.

Done in convention, at Kaskaskia, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States of America the forty-third.

In testimony whereof, we have hereunto subscribed our names.

JESSE B. THOMAS,
President of the Convention.

Attest, WILLIAM C. GREENUP,
Secretary to the Convention.

ILLINOIS.

Wherein is vested the legislative authority of the state of Illinois?
II. 1.

On what days and how often are the elections held? II. 2.

What are the qualifications for a representative? II. 3.

What are the limits of the number of representatives and of senators? II. 5.

What are the qualifications for a senator? II. 6.

What is a quorum? II. 7.

Must the proceedings of the assembly be public? II. 8, 14.

How are vacancies in representation filled? II. 11.

What are the privileges of the members? II. 12.

How may bills be passed? II. 16.

What is the salary of the governor and secretary? II. 18.

How may money be drawn from the treasury? II. 20.

When does the general assembly meet? II. 24.

Can a civil officer be a member of either house? II. 25.

Who is entitled to the privilege of being an elector? II. 27.

What is the privilege of electors? II. 29.

Wherein is vested the executive power of this state? III. 1.

How, when, and where is the governor elected? III. 2.

How long does he retain his office? III. 3.

What must be his qualifications? III. 3.

What are his duties? III. 4—10.

How are sheriffs and coroners elected, and for how long? III. 11.

How is the lieutenant governor chosen? III. 13.

What are his duties? III. 14—18.

What is necessary to sanction a bill after it has passed both houses? III. 19.

How does the secretary of state receive his office? III. 20.

How is the treasurer appointed? III. 21.

Wherein is vested the judicial power of this state? IV. 1.

How are the justices of the supreme and judges of the inferior courts appointed? IV. 4.

What is the salary of a justice of the supreme court? IV. 5.

Of whom does the militia consist? V. 1.

How are militia officers elected? V. 3—5.

What are the privileges of the militia? V. 6.

Is slavery tolerated in Illinois? VI. 1.

How may amendments to this constitution be made? VII.

CENSUS AND REPRESENTATION.

	Inhabitants.	Members.	
<i>ne contains</i>	298,335, <i>and sends</i>	7	<i>to Congress.</i>
<i>r Hampshire</i>	244,161,	6	
<i>nont</i>	235,764,	5	
<i>sachusetts</i>	523,287,	13	
<i>de Island</i>	83,059,	2	
<i>necticut</i>	275,248,	6	
<i>r York</i>	1,372,812,	34	
<i>r Jersey</i>	277,575,	6	
<i>nsylvania</i>	1,049,458,	26	
<i>aware</i>	72,749,	1	
<i>yland</i>	407,350,	9	
<i>inia</i>	1,065,336,	22	
<i>Carolina,</i>	638,829,	13	
<i>Carolina</i>	502,741,	9	
<i>rgia</i>	340,989,	7	
<i>ama</i>	127,901,	2	
<i>issippi</i>	75,448,	1	
<i>nessee</i>	422,813,	9	
<i>tucky</i>	564,317,	12	
<i>o</i>	581,434,	14	
<i>ana</i>	147,178,	3	
<i>ois</i>	55,211,	1	
<i>isiana</i>	153,407,	3	

TABULAR VIEW OF THE PRINCIPAL DIFFERENCE IN THE STATE GOVERNMENTS.

Senate elected.		H. of Rep. elected.	Time of Election.	Meet	Chief Magistrate elected for	By
United States, 1-3 every 2 years.		2 years.		1st Monday December	4 years.	electors.
Maine,	annually.	ann.	2d Monday Sept.	1st Wednesday Jan.	1 year	people.
New Hampshire,	ann.	ann.	March.	last Wednesday Oct.	1 do	people.
Vermont,	ann.	ann.	1st Tues. Sept.	2d Thursday Oct.	1 do	people.
Massachusetts,	ann.	ann.	1st Mond. April.	last Wednesday May	1 do	people.
Rhode Island,	ann.	ann.		1st Wed. May and last October.	1 do	people.
Connecticut,	ann.	ann.	1st Mond. April.	1st Wednesday May.	1 do	people.
New York,	1-4 ann.	ann.		1st Tuesday January.	2 years.	people.
New Jersey,	ann.	ann.	2d Tues. Oct.	4th Tuesday October.	1 year.	legislature.
Pennsylvania,	1-4 ann.	ann.	2d Tues. Oct.	1st Tuesday Decem.	3 years.	people.
Delaware,	1-3 ann.	ann.	1st Tues. Oct.	1st Tuesday January.	3 do	people.
Maryland,	every 5 years.	ann.	1st Mond. Oct.	1st Monday Decem.	1 year.	legislature.

TABULAR VIEW OF THE PRINCIPAL DIFFERENCE IN THE STATE GOVERNMENTS.

	Senate elected.	H. of Rep. elected.	Time of Election.	Meet	Chief Magistrate elected for	By
Virginia,	1-4 ann.	ann.			1 year.	legislature.
North Carolina,	ann.	ann.			1 do	legislature.
South Carolina,	1-2 every 2 years.	2 years.	2d Mond. Oct.	4th Monday Novem.	2 years.	legislature.
Georgia,	ann.	ann.	1st Mond. Nov.	2d Tuesday January.	2 do	legislature.
Alabama,	1-3 ann.	ann.	1st Mond. Aug.	4th Monday October.	2 do	people.
Mississippi,	1-3 ann.	ann.	1st Mon. & day following in Aug.	1st Monday Novem.	2 do	people.
Tennessee,	every 2 years.	2 years.	1st Tues. & day following in Aug.	3d Mond. Sept. every 2d year.	2 do	people.
Kentucky,	1-4 ann.	ann.	1st Mond. Aug.	1st Monday Novem.	4 do	people.
Ohio,	1-2 ann.	ann.	2d Tues. Oct.	1st Monday Decem.	2 do	people.
Indiana,	1-3 ann.	ann.	1st Mond. Aug.	1st Monday Decem.	3 do	people.
Illinois,	1-2 every 2 years.	2 years.	1st Mond. Aug.	1st Mond. Dec. every 2d year.	4 do	people.
Missouri,	1-2 every 2 years.	2 years.	1st Mond. Aug.	1st Monday Novem. every 2d year.	4 do	people.
Louisiana,	1-2 every year.	2 years.	1st Mond. July.	1 Monday January.	4 do	people.

GLOSSARY.

Abolish, to annul, to destroy, to put an end to.

Acquit, to set free, to absolve.

Administer, to give, to afford, to supply.

Affidavit, a declaration upon oath.

Appeal, a removal of a cause from an inferior to a superior court.

Appropriation, the act of consigning to some particular use or person.

Annually, yearly, every year.

Attainder, the act of attainting in law.

Attaint, to find guilty of some heinous offence.

Arrest, to seize.

Ballot, a ball or ticket used in giving votes.

Body-corporate, an incorporated society, an immortal artificial person.

Bona-fide, in good faith, in reality,

Candidate, a competitor, one who solicits advancement.

Census, an enumeration of inhabitants officially obtained.

Certiorari, to be made more certain.

Citation, the act of summoning before authority.

Cognizance, judicial notice, trial.

Compulsory, having the power of compelling.

Concurrence, union, conjunction.

Contested, disputed, controverted.

Control, check, restraint, power, authority, superintendence.

Conviction, detection of guilt.

Delegate, a person sent.

Duly, fitly, properly.

Disqualify, to unfit, to disable by legal impediment.

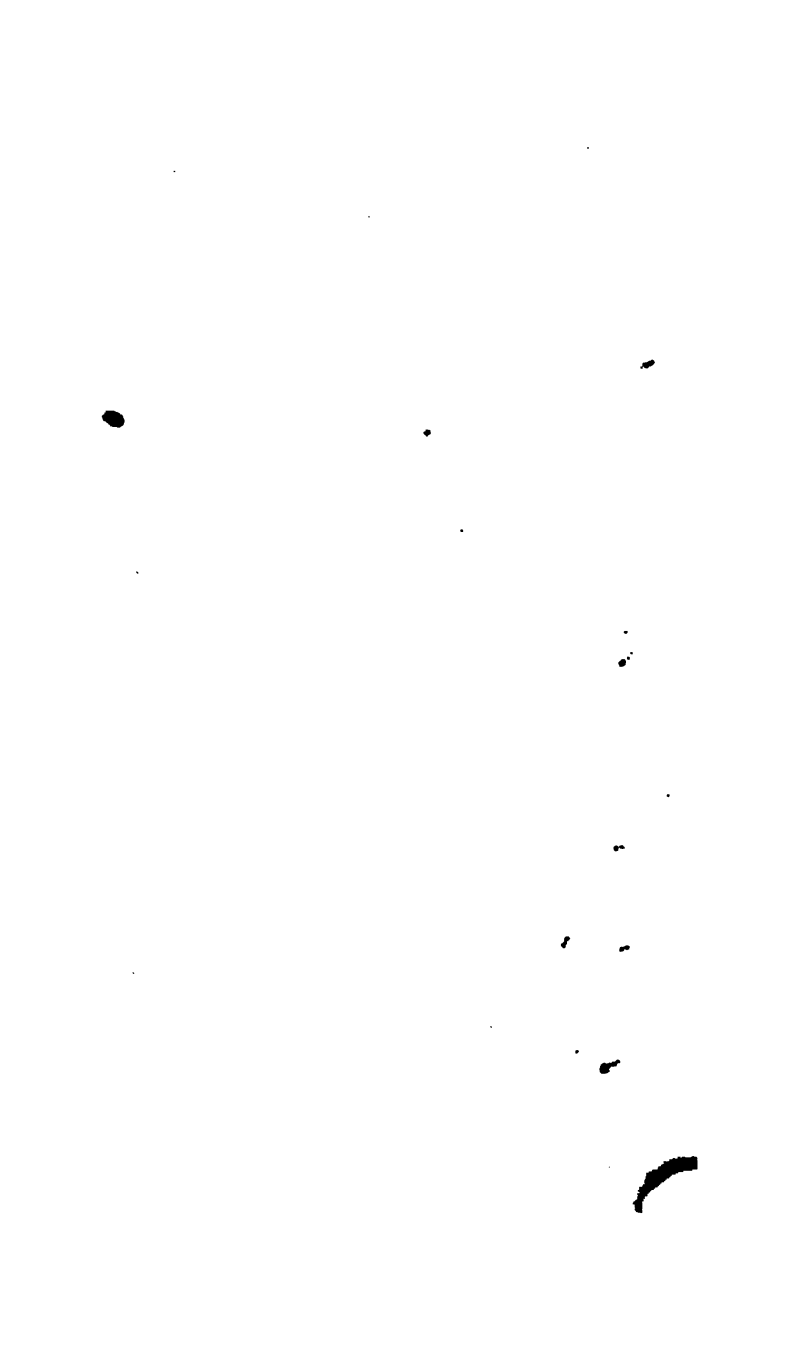
Displace, to remove, to put down.

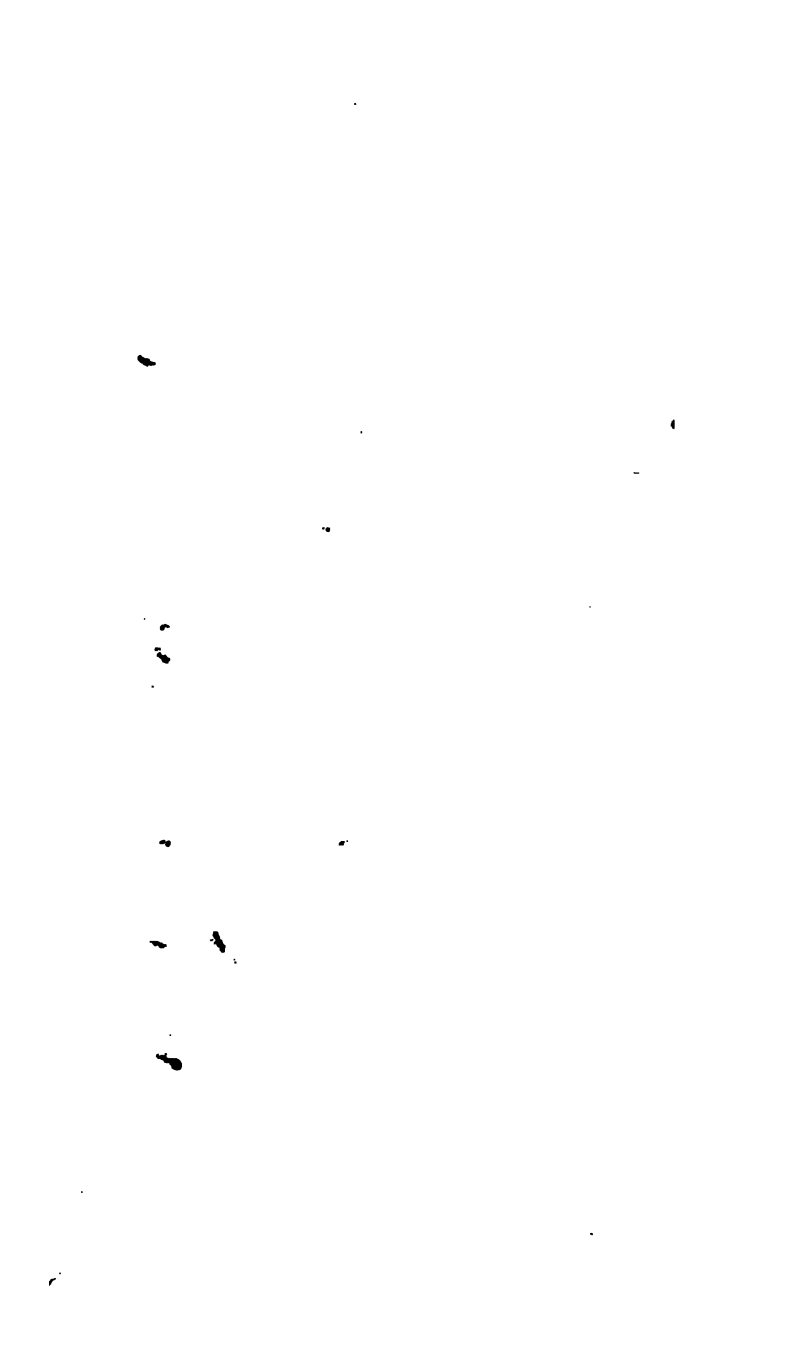
Dissent, to disagree in opinion, to differ.

- Escheat*, to fall to the original owner by forfeiture.
Executive, having the power of executing or performing.
Emancipation, the act of freeing or liberating.
Elector, he that has a vote in the choice of an officer.
Eligible, fit to be chosen.
Ex-officio, in virtue of his office.
Ex-post-facto, after the fact.
Emolument, profit, gain.
Executor, the agent to perform the will of a testator.
Fee, recompense, reward for services.
Fieri facias, cause it to be done.
Forfeiture, the act of forfeiting.
Felonious, wicked, villanous, malignant.
Freehold, land or tenement held in fee.
Hereditary, descending from father to son.
Habeas-corpus, you may have the body.
Immunity, privilege, exemption.
Indemnify, to secure against loss or penalty, to maintain unhurt.
Indefeasible, not to be cut off, irrevocable.
Issue, the act of going or sending out.
Indict, to prosecute before legal authority.
Inherent, innate, inborn, inseparable.
Impeachment, public accusation.
Insurrection, a seditious rising, rebellion.
Judicial, relating to judges, determining or judging.
Jurisdiction, legal authority, extent of power.
Jeopardy, hazard, danger, peril.
Legislative, making laws.
License, permission, grant.
Legal, lawful, proper.
Lucrative, profitable, advantageous in a pecuniary way.
Monopolize, to engross the power.
Marque and reprisal, ascertaining and retaliating.
Non compos mentis, not of sound mind.
Mandamus, we order.
Official, pertaining to public office.
Pro tempore, for the time.
Perpetuity, duration to all futurity, endless.

- Perquisite*, reward for official duty.
Predecessor, one who preceded the present person.
Perjury, a false oath or affirmation.
Premises, houses or lands.
Prothonotary, the head register of a county.
Plaintiff, he that commences a suit.
Quietus, annihilation, total extinction.
Ratio, proportion.
Responsible, answerable, accountable.
Redress, relief, remedy.
Recurrence, a return, repetition.
Reprieve, respite after sentence of death.
Remand, to send back.
Seditious, factious, with tumult, turbulent.
Septennial, once in seven years.
Session, the act or time of sitting.
Successor, one who follows to the place of another.
Scire facias, cause it to be known.
Suspend, to delay, to put off.
Triennial, once in three years.
Testimonial, a writing to give credit.
Unalienable, not to be diverted or changed.
Unanimous, being of one mind, agreeing entirely.
Viva voce, by the living voice.
Verdict, the decision, judgment or opinion of a jury.

THE END.





1861
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